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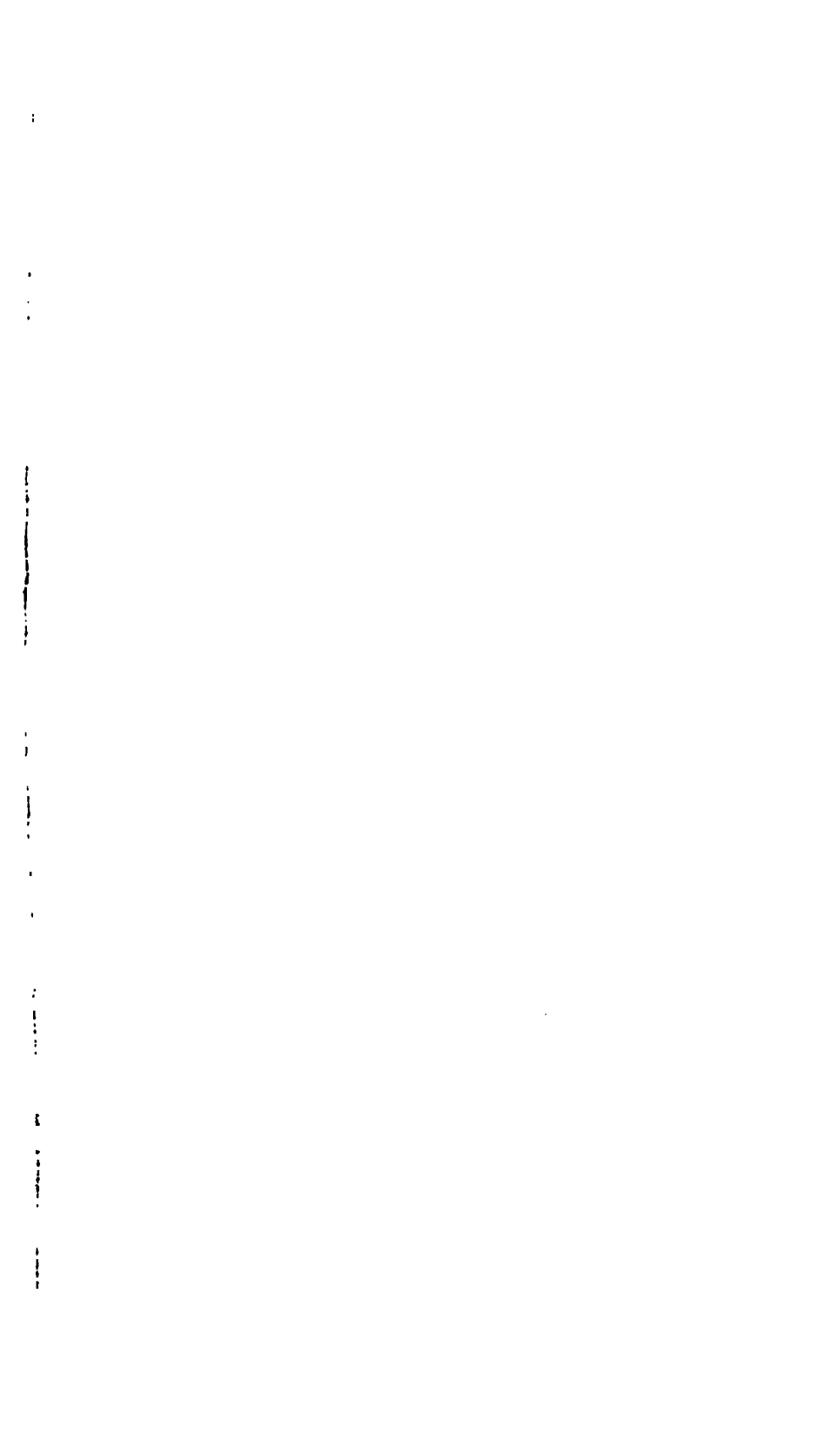
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Author and Title

**Massachusetts. Laws, Statutes, etc.
Acts and Resolves.**

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Vol
1868-69



Massachusetts. Laws, statutes, etc.

ACTS
AND
RESOLVES,



PASSED BY THE

General Court of Massachusetts,

IN THE YEARS

1868, '69:

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR, LIST OF THE
CIVIL GOVERNMENT, CHANGES OF NAMES OF PERSONS,
Etc., Etc., Etc.

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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

P R E A M B L E.

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other; and of forming a new

constitution of civil government for ourselves and posterity ; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH of MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe.

Protection therein.

And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI., substituted for this.

[III.* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of public instructions in piety, religion and morality ; Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship ;

* NOTE.—Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets : obsolete portions of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and infeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish

Right of people to secure rotation in office.

by their frame of government, to cause their public officers to return to private life ; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free ; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection ; to give his personal service, or an equivalent, when necessary : but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it ; completely, and without any denial ; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him ; or be compelled to accuse, or furnish evidence against himself : and every subject shall have a right to produce all proofs that may be favorable to him ; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

Right to trial by jury, in criminal cases, except, &c.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or

Right of people to instruct representatives and petition legislature.

remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Judges of supreme judicial court.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave them-

Tenure of their office.

selves well, and that they should have honorable salaries Salaries.
ascertained and established by standing laws.

XXX. In the government of this Commonwealth, the Separation of executive, judicial, and legislative departments.
legislative department shall never exercise the executive and
judicial powers, or either of them: the executive shall never
exercise the legislative and judicial powers, or either of
them: the judicial shall never exercise the legislative and
executive powers, or either of them: to the end it may be a
government of laws, and not of men.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Title of body politic.
Province of Massachusetts Bay, do hereby solemnly and
mutually agree with each other, to form themselves into a
free, sovereign and independent body politic or state, by the
name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed Legislative department.
by two branches, a Senate and House of Representatives;
each of which shall have a negative on the other.

The legislative body [shall assemble every year on the See amendments, Art. X.
last Wednesday in May, and at such other times as they
shall judge necessary; and shall dissolve and be dissolved on
the day next preceding the said last Wednesday in May; and]
shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

II. No bill or resolve of the senate or house of represen- Governor's veto.
tatives shall become a law, and have force as such, until it
shall have been laid before the governor for his revisal; and
if he, upon such revision, approve thereof, he shall signify
his approbation by signing the same. But if he have any

Bill may be passed by two-thirds of each house, notwithstanding.

objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

See amendments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal, or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may administer oaths.

General court may enact laws, &c.,

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name

not repugnant to the constitution;

and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

district, and the number of councillors and senators to be chosen therein : provided, that the number of such districts shall never be less than thirteen ; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz :—

Suffolk, six ; Essex, six ; Middlesex, five ; Hampshire, four ; Plymouth, three ; Barnstable, one ; Bristol, three ; York, two ; Dukes county and Nantucket, one ; Worcester, five ; Cumberland, one ; Lincoln, one ; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXVI.

Word "inhabitant" defined.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Art. II.

Amendments, Art. X.

II. The Senate shall be the first branch of the legislature ; [and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors ; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name ; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually ; or it shall be delivered into

the secretary's office seventeen days at least before the said last Wednesday in May ; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns ; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct ; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of unincorporated plantations, who pay State taxes, may vote.

Plantation meetings.
See amendments, Art. X.

Assessors to notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records ; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly ; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government ; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Governor and council to examine and count votes, and issue summonses.

See amendments, Art. X.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution ; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes : and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner,

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled.

viz. : The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for ; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district ; and in this manner all such vacancies shall be filled up in every district of the Commonwealth ; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator.
See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves ; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules.
Shall try all impeachments.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Oath.

VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices : but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth : but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Limitation of sentence.

Quorum.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Expense of travelling to and from the general court, how paid.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter.

See amendments, Arts. III., XX. and XXIII.

Representatives,
when chosen.
See amendments,
Arts. X. and XV.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

House alone can
impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to origi-
nate all money
bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn
more than two
days at a time.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Quorum.
See amendments,
Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge
of returns, &c.,
of its own mem-
bers; to choose
its officers and es-
tablish its rules,
&c.
May punish for
certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of
members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

Senate.

Governor and
council may
punish.
General limita-
tion.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by
committee, or
otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CONSTITUTION.

17

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, Governor.
who shall be styled—THE GOVERNOR OF THE COMMONWEALTH
OF MASSACHUSETTS; and whose title shall be—HIS EXCEL- His title.
LENCY.

II. The governor shall be chosen annually; and no per- To be chosen annually. Qualifications.
son shall be eligible to this office, unless, at the time of his
election, he shall have been an inhabitant of this Common-
wealth for seven years next preceding; and unless he shall,
at the same time, be seized, in his own right, of a freehold,
within the Commonwealth, of the value of one thousand
pounds; [and unless he shall declare himself to be of the
Christian religion.] See amendments, Art. VII.

[III. Those persons who shall be qualified to vote for senators and
representatives, within the several towns of this Commonwealth, shall, at
a meeting to be called for that purpose, on the first Monday of April,
annually, give in their votes for a governor, to the selectmen, who shall
preside at such meetings; and the town clerk, in the presence and with
the assistance of the selectmen, shall, in open town meeting, sort and
count the votes, and form a list of the persons voted for, with the number
of votes for each person against his name; and shall make a fair record
of the same in the town books, and a public declaration thereof in the said
meeting; and shall, in the presence of the inhabitants, seal up copies of
the said list, attested by him and the selectmen, and transmit the same to
the sheriff of the county, thirty days at least before the last Wednesday
in May; and the sheriff shall transmit the same to the secretary's office,
seventeen days at least before the said last Wednesday in May; or the
selectmen may cause returns of the same to be made, to the office of the
secretary of the Commonwealth, seventeen days at least before the said
day; and the secretary shall lay the same before the senate and the house
of representatives, on the last Wednesday in May, to be by them exam-
ined; and in case of an election by a majority of all the votes returned,
the choice shall be by them declared and published; but if no person shall
have a majority of votes, the house of representatives shall, by ballot, elect
two out of four persons, who had the highest number of votes, if so many
shall have been voted for; but, if otherwise, out of the number voted for;
and make return to the senate of the two persons so elected; on which,
the senate shall proceed, by ballot, to elect one who shall be declared
governor.] By whom chosen, if he have a majority of votes. See amendments, Arts. II., X., XIV. and XV. How chosen, when no person has a majority. Power of governor, and of governor and council.

IV. The governor shall have authority, from time to
time, at his discretion, to assemble and call together the
councillors of this Commonwealth for the time being; and
the governor, with the said councillors, or five of them, at
least, shall, and may, from time to time, hold and keep a

council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or prorogue the general court upon request, and convene the same.

See amendments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same at any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as

occasion shall necessarily require ; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth ; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court ; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council ; but no charter or pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Limitation.

Governor and council may pardon offences, except, &c.

But not before conviction.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

Militia officers, how elected.

See amendments. Art. V.

How commissioned.

Elections of officers.

Major-generals,
how appointed
and commis-
sioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other ; and be commissioned by the governor.

Vacancies, how
filled, in case,
&c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly
commissioned,
how removed.
See amendments,
Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c.,
how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters ; the brigadiers their brigade-majors ; and the major-generals their aids ; and the governor shall appoint the adjutant-general.

Adjutant-gen-
eral.

Army officers,
how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of
militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Money, how
drawn from the
treasury, except,
&c.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon.) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Public boards
and certain offi-
cers to make
quarterly re-
turns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively ; distinguishing the quantity, number, quality and kind of each, as particularly as may be ; together with

the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged, if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.

See amendments, Art. XVI.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.

Rank of councillors.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

No district to have more than two.

[IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.]

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day; until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

Secretary to keep records; to attend the governor and council, &c.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed. Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

Justices of supreme judicial court to give opinions when required.

Justices of the peace; tenure of their office.

Provisions for holding probate courts.

Causes of marriage and divorce, how determined.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to congress.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF
LITERATURE, &C.

SECTION I.

The University.

ART. I. Whereas our wise and pious ancestors, so early Harvard College.
as the year one thousand six hundred and thirty-six, laid the
foundation of Harvard College, in which university many
persons of great eminence have, by the blessing of GOD,
been initiated in those arts and sciences which qualified
them for public employments, both in church and state ; and
whereas the encouragement of arts and sciences, and all
good literature, tends to the honor of GOD, the advantage
of the Christian religion, and the great benefit of this and
the other United States of America,—it is declared, that the
PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their Powers, privi-
leges, &c., of the
president and fel-
lows, confirmed.
corporate capacity, and their successors in that capacity,
their officers and servants, shall have, hold, use, exercise
and enjoy, all the powers, authorities, rights, liberties, privi-
leges, immunities and franchises, which they now have, or
are entitled to have, hold, use, exercise and enjoy ; and the
same are hereby ratified and confirmed unto them, the said
president and fellows of Harvard College, and to their
successors, and to their officers and servants, respectively,
forever.

II. And whereas there have been, at sundry times, by Property devised.
divers persons, gifts, grants, devises of houses, lands, tene-
ments, goods, chattels, legacies and conveyances, heretofore
made, either to Harvard College in Cambridge, in New Eng-
land, or to the president and fellows of Harvard College, or
to the said college, by some other description, under several
charters successively ; it is declared, that all the said gifts,
grants, devises, legacies and conveyances, are hereby forever Gifts, grants,
and conveyances
confirmed.
confirmed unto the president and fellows of Harvard College,
and to their successors, in the capacity aforesaid, according
to the true intent and meaning of the donor or donors,
grantor or grantors, deviser or devisors.

III. And whereas by an act of the general court of the Board of Over-
seers established
by general court
of 1642.
colony of Massachusetts Bay, passed in the year one thou-
sand six hundred and forty-two, the governor and deputy-
governor, for the time being, and all the magistrates of that
jurisdiction, were, with the president, and a number of the
clergy in the said act described, constituted the overseers of

Overseers established by constitution.

Power of alteration reserved to the legislature.

Harvard College ; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates ; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors ; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College : provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties ; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them ; especially the university at Cambridge, public schools, and grammar schools in the towns ; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country ; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings ; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &C.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

Declaration of executive and legislative officers.

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

See amendments, Art. VII.

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

Declaration and oaths of all officers.

["I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God."]

See amendments, Art. VI.

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the

best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

See amendments,
Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

Oaths and affirmations, how administered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of offices prohibited to governor, &c., except, &c.

See amendments,
Art. VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible offices.

See amendments,
Art. VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this

description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court; or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places. Same subject.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment. Bribery, &c., operates disqualification.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require. Value of money ascertained. Property qualifications. See amendments, Art. XIII.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto. Provisions respecting commissions.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court. Provisions respecting writs.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution. Continuation of former laws, except, &c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months. Benefit of habeas corpus secured, except, &c.

The enacting style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of former government continued until, &c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

Provision for revising constitution. Amendments, Art. IX.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.

Proviso.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 588. See amendments, Arts. XX., XXIII. and XXVI.

Notaries public,
how appointed
and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in the
offices of secretary
and treasurer,
how filled in case,
&c.
See amendments,
Art. XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Commissary-general
may be appointed,
in case,
&c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote
for captains and
subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Oath to be taken
by all officers.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provide: Quaker
may affirm.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words, “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolished.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

ART. VIII. No judge of any court of this Commonwealth, Incompatibility of offices. (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth. Amendments to constitution, how made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be Commencement of political year, and termination.

dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity

of a people, and the security of a republican government ; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses ; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society ; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another shall ever be established by law."

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid : and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus : The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred ; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty ; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives ; and such districts shall have all the rights, in

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments. Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Senatorial districts declared permanent. See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. See amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Basis of representation, and ratio of increase.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided,

shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district, in the Commonwealth.]

Councillors to be chosen from the people at large. See amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however, that if, at any time, the constitution shall provide*

Eight councillors to be chosen by the people.

Legislature to district State.

for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.
Day and manner of election, &c.
Vacancies, how filled.
Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

School moneys not to be applied for sectarian schools.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however,* that the provisions of this amendment shall not apply to any

Reading constitution in English and writing, necessary qualifications of voters. Proviso.

person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,—or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings.

each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Qualifications of representatives.

Districts to be numbered, described and certified.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven ; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid : *provided, however*, that no town or ward of a city shall be divided therefor ; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members. Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members
a quorum.

election, and at the time of his election shall be an inhabitant of the district for which he is chosen ; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Residence of two
years required of
naturalized citi-
zen, to entitle to
suffrage or make
eligible to office.
See amendment,
Art. XXVI.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Vacancies in the
senate.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the
council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third article of amend-
ments annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit : " No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

THE FRAMING AND POPULAR ADOPTION OF THE CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved* "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and ratified by the people on the first day of May, 1857.

CONSTITUTION.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

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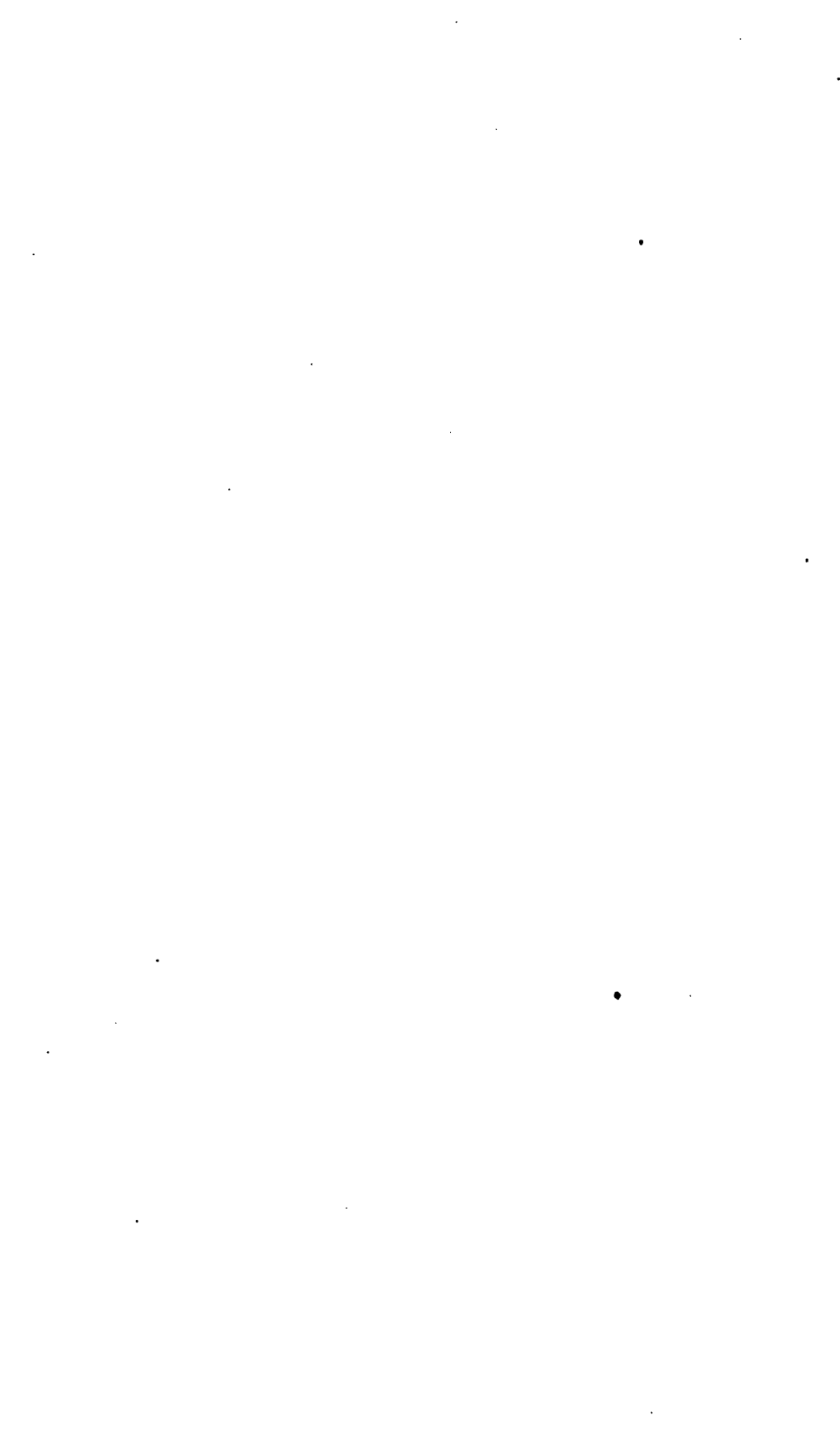
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General Statutes and Special Acts

OF

MASSACHUSETTS.

1868.

63 The General Court of 1868 assembled on Wednesday, the first day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency ALEXANDER H. BULLOCK and His Honor WILLIAM CLAFLIN, on Friday, the third day of January, in presence of the two Houses assembled in convention.

A C T S ,

G E N E R A L A N D S P E C I A L .

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR. *Chap.* 1.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and sixty-eight, to wit :

Appropriations authorized.

LEGISLATIVE DEPARTMENT.

For the mileage of senators, a sum not exceeding four hundred dollars, which shall be allowed and paid.

Senators, mileage.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars, which shall be allowed and paid.

Compensation.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars, which shall be allowed and paid.

Representatives, mileage.

For the compensation of representatives, a sum not exceeding seventy-two thousand three hundred dollars, which shall be allowed and paid.

Compensation.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, five thousand dollars.

Clerks, Senate and House.

For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding four hundred dollars, which shall be allowed and paid.

Chaplains.

For the compensation of the preacher of the election sermon, one hundred dollars, which shall be allowed and paid.

Preacher of election sermon.

For the salary of the sergeant-at-arms, two thousand five hundred dollars.

Sergeant-at-arms
1867, 806.

Door-keepers,
messengers and
pages.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding nine thousand five hundred dollars, which shall be allowed and paid.

Watchmen and
firemen.
1867, 187.

For the compensation of such watchmen and firemen as may be employed in the state house, a sum not exceeding five thousand five hundred dollars.

Witnesses' fees.

For fees of witnesses summoned before committees, a sum not exceeding eight hundred dollars.

EXECUTIVE DEPARTMENT.

Lieut.-governor
and council.
G. S. 14, § 2.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding ten thousand dollars.

Governor's sec-
retary.
1866, 298.

For the compensation of the private secretary of the governor, two thousand dollars.

Messenger.
1867, 187.

For the compensation of the messenger of the governor and council, one thousand dollars.

Assistant-mes-
senger.
1867, 187.
Contingent ex-
penses and extra
clerks.

For the compensation of the assistant-messenger of the governor and council, eight hundred dollars.

For the contingent expenses of the executive department, to include such extra clerical assistance and other expenses as the governor may deem necessary, a sum not exceeding ten thousand dollars, which shall be allowed and paid.

Agency for col-
lection of sol-
diers' bounties,
&c.

For any expenses which may be incurred under authority of the governor and approved by him, in the maintenance of such agency out of the Commonwealth as he may find needful, for the adjustment and collection of bounties and claims due Massachusetts soldiers, and for necessary and proper disbursements in their behalf, a sum not exceeding eight thousand dollars, which shall be allowed and paid.

SECRETARY'S DEPARTMENT.

Secretary of the
Commonwealth.
1866, 298.

For the salary of the secretary of the Commonwealth, two thousand five hundred dollars.

First clerk.
1866, 298.

For the salary of the first clerk in the secretary's department, two thousand dollars.

Second clerk.
1866, 298.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.

Messenger.
1866, 298.

For the salary of the messenger in the secretary's department, one thousand dollars.

Additional clerks
G. S. 14, § 4.
1867, 187.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the department, a sum not exceeding sixteen thousand six hundred dollars.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, three thousand five hundred dollars.

Treasurer and receiver-general.
1866, 298.

For the salary of the first clerk in the treasurer's department, two thousand two hundred dollars.

First clerk.
1867, 167.

For the salaries of the first assistant-clerk and cashier in the treasurer's department, three thousand four hundred dollars.

Assistant-clerk and cashier.
1866, 298.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding two thousand six hundred dollars.

Additional clerks
1867, 167.

TAX COMMISSIONER'S BUREAU.

For the salary of the deputy tax commissioner, two thousand dollars.

Deputy tax commissioner.
1866, 298.

For the salary of the first clerk of the tax commissioner, one thousand seven hundred dollars.

First clerk.
1867, 167.

For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.

Second clerk.
1867, 167.

For such additional clerical assistance as the tax commissioner may find necessary, a sum not exceeding eight thousand six hundred and twenty dollars.

Additional clerks
1867, 167.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand five hundred dollars.

Auditor of accounts.
1866, 298; 1867, 167.

For the salary of the first clerk in the auditor's department, two thousand two hundred dollars.

First clerk.
1866, 298.

For the salary of the second clerk in the auditor's department, one thousand seven hundred dollars.

Second clerk.
1866, 298.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding seven thousand five hundred dollars.

Additional clerks
1867, 167.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, three thousand five hundred dollars.

Attorney-general
1866, 298.

For the salary of the clerk of the attorney-general, one thousand dollars.

Clerks.
G. S. 13, § 16.

COMMISSIONERS, ET AL.

For the salary of the commissioner of saving banks, three thousand dollars.

Commissioner of savings banks.
1866, 192.

For the salary of the insurance commissioner, two thousand dollars.

Insurance commissioner.
1866, 255.

Clerk.
1866, 255.

For the salary of the clerk of the insurance commissioner, one thousand five hundred dollars.

Additional clerks
&c.

The fees received as compensation for the valuation of life policies are hereby appropriated to be applied in accordance with the provisions of chapter two hundred and sixty-seven of the acts of the year eighteen hundred and sixty-seven, for the compensation of actuarial and clerical service employed in making such valuation.

Constable of the
Commonwealth.
1865, 233.

For the salary of the constable of the Commonwealth, two hundred and fifty dollars.

Clerk of commis-
sioners of public
lands.

For such clerical assistance as the commissioners on public lands may find necessary, a sum not exceeding one thousand two hundred dollars, payable from the moiety of the proceeds of sales applicable to improvements.

Inspector of gas-
meters.

For the salary of the inspector of gasmeters, three thousand dollars.

AGRICULTURAL DEPARTMENT.

Secretary board
agriculture.
1867, 167.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

Clerks.

For the salaries of the clerks to the secretary of the board of agriculture, two thousand dollars.

BOARD OF STATE CHARITIES.

State charities.
Secretary.
1863, 240.

For the salary of the secretary of the board of state charities, two thousand dollars.

Clerks.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding four thousand dollars.

Agent.
1866, 238.

For the salary of the agent of the board of state charities, two thousand dollars.

Clerks.

For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding four thousand dollars.

Transportation
of state paupers.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding seven thousand dollars: *provided*, the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses; and a detailed report of such expenditures shall be rendered to the auditor of accounts on the first day of every month; also, for the removal of persons becoming a public charge, not authorized to be removed by existing laws, a sum not exceeding one thousand dollars, which shall be allowed and paid.

Expense to be re-
ported to auditor
monthly.

Removal of cer-
tain paupers.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid from the income of the Massachusetts school fund.

Board of education.
Secretary.
1865, 248.

For the salary and expenses of such agent or agents as the board of education may appoint, a sum not exceeding three thousand dollars, to be paid from the income of the Massachusetts school fund.

Agents.

For the salary of the assistant-librarian and clerk of the board of education, two thousand dollars.

Clerk and assistant-librarian.
1866, 286.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding thirteen hundred dollars.

Additional clerks

MILITARY DEPARTMENTS.

For the salary of the adjutant-general, two thousand five hundred dollars.

Adjutant-general.
1866, 286.

For the salary of the first clerk of the adjutant-general, two thousand dollars.

First clerk.
1866, 286.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding five thousand dollars.

Additional clerks
1867, 167.

For the salary of the surgeon-general, a sum not exceeding two thousand five hundred dollars.

Surgeon-general.
1866, 286, 289.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding four thousand six hundred dollars.

Clerks.

For the compensation of a messenger in the surgeon-general's bureau, a sum not exceeding one thousand dollars.

Messenger.

For the completion of the records of the paymaster's bureau, under the direction of the governor, a sum not exceeding two thousand dollars, which shall be allowed and paid.

Paymaster of State bounties.

For the salary of the assistant-quartermaster-general and master of ordnance, a sum not exceeding one thousand eight hundred dollars; and for the salary of his clerk, a sum not exceeding one thousand five hundred dollars.

Assistant-quartermaster-general.

Clerk.

For the compensation of employes at the state arsenal in Cambridge, a sum not exceeding three thousand dollars.

Employee at arsenal.

MISCELLANEOUS.

Under the resolve, chapter eighty-four of the resolves of the year eighteen hundred and sixty-seven, relating to improvements and repairs at the state house, a sum not exceeding one hundred and fifty thousand dollars.

Improvements and repairs of state house.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1868.

Chap. 2. AN ACT IN RELATION TO THE LYNN AND BOSTON RAILROAD COMPANY.*Be it enacted, &c., as follows :*

May mortgage property.

SECTION. 1. The Lynn and Boston Railroad Company is hereby authorized to mortgage its real and personal property, with power of sale, to secure payment of loans to the company, not exceeding at any time fifty thousand dollars in amount.

When to take effect.

SECTION. 2. This act shall take effect when the same shall have been accepted by a vote of two-thirds in number and interest of the stockholders, at a legal meeting called for that purpose.

*Approved February 6, 1868.***Chap. 3. AN ACT SUPPLEMENTARY TO AN ACT INCORPORATING THE TRUSTEES OF THE THEOLOGICAL SEMINARY OF THE METHODIST EPISCOPAL CHURCH.***Be it enacted, &c., as follows :*

Name changed to "Boston Theological Seminary."

SECTION 1. The name of the corporation constituted by an act of the general court, in the year one thousand eight hundred and sixty-five, under the title of "Trustees of the Theological Seminary of the Methodist Episcopal Church," is hereby changed to "Boston Theological Seminary."

Corporation may confer degrees.

SECTION 2. The aforesaid corporation is hereby authorized and empowered to confer degrees in theology upon such graduates of the seminary and other clergymen as may be recommended by the faculty of the institution as suitable candidates for such degrees.

SECTION 3. This act shall take effect upon its passage.

*Approved February 6, 1868.***Chap. 4. AN ACT FIXING THE TIME FOR PAYING THE SALARIES OF DISTRICT-ATTORNEYS AND ASSISTANT DISTRICT-ATTORNEYS.***Be it enacted, &c., as follows :*

Salaries to be paid monthly.

SECTION 1. The salaries of the district-attorneys and assistant district-attorneys shall be payable monthly on the first day of each month, beginning with the current year.

SECTION 2. This act shall take effect upon its passage.

*Approved February 7, 1868.***Chap. 5. AN ACT TO INCORPORATE THE SALEM LEAD COMPANY.***Be it enacted, &c., as follows :*

Corporators.

SECTION 1. John Bertram, John H. Silsbee, William D. Pickman, Francis Brown, James B. Curwen, John C. Osgood, their associates and successors, are hereby made a corporation by the name of the Salem Lead Company, for the purpose of manufacturing lead, zinc and tin, in their various forms, paints, and other articles used in the manu-

Name and purpose.

facture thereof, at Salem, in the county of Essex; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or hereafter may be in force relating to such corporations. Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each; and said corporation may hold real estate, necessary and convenient for its purposes, to the amount of one hundred and twenty-five thousand dollars: *provided, however*, that said corporation shall not go into operation or incur any liability until the sum of one hundred and fifty thousand dollars has been paid in, in cash. Capital.
Shares.
Condition.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1868.

AN ACT TO INCORPORATE THE BROOKLINE HIBERNIAN ASSOCIATION.

Chap. 6.

Be it enacted, &c., as follows:

SECTION 1. Philip Duffy, Michael C. Hennessey, William I. Curry, Michael Driscoll, James Cusick, Nicholas Fitzgerald, their associates and successors, are hereby made a corporation by the name of the Brookline Hibernian Association, for the purpose of affording assistance to the members of said society and their families in cases of sickness and death, and of raising and holding a fund for said purpose. Corporators.
Name and purpose.

SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding twenty-five thousand dollars, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes. Real and personal estate.
Powers and duties.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1868.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 7.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and sixty-eight, to wit: Appropriations authorized.

SUPREME JUDICIAL COURT.

- S. J. court, clerk.** For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.
G. S. 121.
- Assistant-clerk.** For the salary of the assistant-clerk of said court, one thousand five hundred dollars.
- Reporter.** For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.
- Expenses.** For expenses of said court, a sum not exceeding one thousand five hundred dollars.

SUPERIOR COURT.

- Superior court:** For the salary of the chief justice of the superior court, four thousand five hundred dollars.
Judges' salaries.
- For the salaries of the nine associate justices of said court, thirty-seven thousand eight hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

- Courts of probate and insolvency:** For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.
Suffolk.
- Middlesex.** For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.
- Worcester.** For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.
- Essex.** For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.
- Norfolk.** For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.
- Bristol.** For the salary of the judge of probate and insolvency for the county of Bristol, one thousand five hundred dollars.
- Plymouth.** For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand three hundred dollars.
- Berkshire.** For the salary of the judge of probate and insolvency for the county of Berkshire, twelve hundred dollars.
- Hampden.** For the salary of the judge of probate and insolvency for the county of Hampden, one thousand three hundred dollars.
- Hampshire.** For the salary of the judge of probate and insolvency for the county of Hampshire, nine hundred dollars.
- Franklin.** For the salary of the judge of probate and insolvency for the county of Franklin, nine hundred dollars.
- Barnstable.** For the salary of the judge of probate and insolvency for the county of Barnstable, nine hundred dollars.
- Nantucket.** For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.

For the salary of the judge of probate and insolvency for **Dukes county.**
the county of Dukes county, five hundred dollars.

For the salary of the register of probate and insolvency for **Register.**
the county of Suffolk, three thousand dollars. **Suffolk.**

For the salary of the register of probate and insolvency for **Middlesex.**
the county of Middlesex, two thousand dollars.

For the salary of the register of probate and insolvency for **Worcester.**
the county of Worcester, two thousand dollars.

For the salary of the register of probate and insolvency for **Essex.**
the county of Essex, two thousand dollars.

For the salary of the register of probate and insolvency for **Norfolk.**
the county of Norfolk, one thousand five hundred dollars.

For the salary of the register of probate and insolvency for **Bristol.**
the county of Bristol, one thousand three hundred dollars.

For the salary of the register of probate and insolvency for **Plymouth.**
the county of Plymouth, one thousand two hundred dollars.

For the salary of the register of probate and insolvency for **Hampden.**
the county of Hampden, one thousand two hundred dollars.

For the salary of the register of probate and insolvency for **Berkshire.**
the county of Berkshire, one thousand two hundred dollars.

For the salary of the register of probate and insolvency for **Hampshire.**
the county of Hampshire, nine hundred dollars.

For the salary of the register of probate and insolvency for **Franklin.**
the county of Franklin, nine hundred dollars.

For the salary of the register of probate and insolvency for **Barnstable.**
the county of Barnstable, nine hundred dollars.

For the salary of the register of probate and insolvency for **Nantucket.**
the county of Nantucket, six hundred dollars.

For the salary of the register of probate and insolvency for **Dukes county.**
the county of Dukes county, six hundred dollars.

For the salary of the assistant-register of probate and **Assistant-register**
insolvency for the county of Suffolk, one thousand five **Suffolk.**
hundred dollars.

For the salary of the assistant-register of probate and **Middlesex.**
insolvency for the county of Middlesex, one thousand five
hundred dollars.

For the salary of the assistant-register of probate and **Worcester.**
insolvency for the county of Worcester, one thousand five
hundred dollars.

For the salary of the assistant-register of probate and **Essex.**
insolvency for the county of Essex, one thousand five
hundred dollars.

For the salary of the assistant-register of probate and **Norfolk.**
insolvency for the county of Norfolk, eight hundred dollars.

For certain expenses of courts of insolvency authorized by **Expenses of**
the General Statutes, a sum not exceeding two thousand **courts.**
dollars.

DISTRICT-ATTORNEYS.

District-attorneys: Suffolk.	For the salary of the attorney for the county of Suffolk; three thousand five hundred dollars.
Assistant-attorney. Suffolk.	For the salary of the assistant-attorney for the county of Suffolk, two thousand one hundred dollars.
Eastern district.	For the salary of the attorney for the eastern district, one thousand five hundred dollars.
Northern district	For the salary of the attorney for the northern district, one thousand five hundred dollars.
Southern district	For the salary of the attorney for the southern district, one thousand five hundred dollars.
Middle district.	For the salary of the attorney for the middle district, one thousand five hundred dollars.
South-eastern district.	For the salary of the attorney for the south-eastern district, one thousand five hundred dollars.
Western district.	For the salary of the attorney for the western district, one thousand five hundred dollars.
*North-western district.	For the salary of the attorney for the north-western district, one thousand dollars.

POLICE COURTS.

Police courts: Justices. Adams.	For the salary of the justice of the police court in Adams, eight hundred dollars.
Cambridge.	For the salary of the justice of the police court in Cambridge, one thousand five hundred dollars.
Charlestown.	For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.
Chelsea.	For the salary of the justice of the police court in Chelsea, one thousand three hundred dollars.
Chicopee.	For the salary of the justice of the police court in Chicopee, nine hundred dollars.
Fall River.	For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.
Gloucester.	For the salary of the justice of the police court in Gloucester, eight hundred dollars.
Haverhill.	For the salary of the justice of the police court in Haverhill, one thousand two hundred dollars.
Lawrence.	For the salary of the justice of the police court in Lawrence, one thousand five hundred dollars.
Lee.	For the salary of the justice of the police court in Lee, five hundred dollars.
Lynn.	For the salary of the justice of the police court in Lynn, one thousand dollars.
Lowell.	For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.

For the salary of the justice of the police court in Milford, Milford.
one thousand dollars.

For the salary of the justice of the police court in New New Bedford.
Bedford, one thousand five hundred dollars.

For the salary of the justice of the police court in New- Newburyport.
buryport, nine hundred dollars.

For the salary of the justice of the police court in Pitts- Pittsfield.
field, eight hundred dollars.

For the salary of the justice of the police court in Salem, Salem.
one thousand five hundred dollars.

For the salary of the justice of the police court in Spring- Springfield.
field, one thousand five hundred dollars.

For the salary of the justice of the police court in Williamstown, Williamstown.
Williamstown, three hundred dollars.

For the salary of the justice of the police court in Worces- Worcester.
ter, one thousand five hundred dollars.

For the salaries of the clerks of police courts, exclusive of Police courts:
Clerks.
clerks elected under chapter one hundred and sixteen of the
General Statutes, to wit :

For the salary of the clerk of the police court in Cam- Cambridge.
bridge, eight hundred dollars.

For the salary of the clerk of the police court in Charles- Charlestown.
town, five hundred dollars.

For the salary of the clerk of the police court in Fall Fall River.
River, six hundred dollars.

For the salary of the clerk of the police court in Haver- Haverhill.
hill, six hundred dollars.

For the salary of the clerk of the police court in Lawrence, Lawrence.
eight hundred dollars.

For the salary of the clerk of the police court in Lowell, Lowell.
one thousand dollars.

For the salary of the clerk of the police court in Lynn, six Lynn.
hundred dollars.

For the salary of the clerk of the police court in New New Bedford.
Bedford, eight hundred dollars.

For the salary of the clerk of the police court in Newbury- Newburyport.
port, five hundred dollars.

For the salary of the clerk of the police court in Salem, Salem.
nine hundred dollars.

For the salary of the clerk of the police court in Worces- Worcester.
ter, nine hundred dollars.

MUNICIPAL COURTS.

For the salaries of the justices of the municipal court in Municipal courts
Boston.
Boston, nine thousand dollars.

For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.

Taunton.

For the salary of the justice of the municipal court in Taunton, one thousand dollars.

For the salary of the clerk of the municipal court in Taunton, six hundred dollars.

Boston, southern district.

For the salary of the justice of the municipal court for the southern district of Boston, one thousand five hundred dollars.

For the salary of the clerk of the municipal court for the southern district of Boston, five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1868.

Chap. 8. AN ACT MAKING APPROPRIATIONS FROM THE FUNDS AND THE INCOME OF THE FUNDS HEREIN MENTIONED, AND FOR OTHER PURPOSES.

Be it enacted &c., as follows :

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the funds and the income of the funds specified, to wit :

Rogers book fund income.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Todd normal school fund income.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Indian school fund income.

The income of the Indian school fund shall be applied in accordance with provisions of chapter thirty-six of the General Statutes.

Agricultural college income fund.

The income of the agricultural college fund shall be paid in accordance with the provisions of chapter one hundred and eighty-six and chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three.

Charles River and Warren bridge fund.

SECTION 2. The sums mentioned in this section are appropriated to be paid out of the Charles River and Warren bridge fund, for the year eighteen hundred and sixty-eight, to wit :

On account of the Charles River bridge—

Charles river bridge, repairs.

For repairs on said bridge, and buildings belonging thereto, a sum not exceeding four thousand dollars.

Horse-keeping.

For horse-keeping, a sum not exceeding two hundred dollars.

For gas, oil fluid and fuel, a sum not exceeding seven hundred dollars. Lights and fuel.

For incidental and contingent expenses, a sum not exceeding three hundred and fifty dollars. Incidental expenses.

For the compensation of the draw-tender on said bridge, the sum of one thousand two hundred dollars. Draw-tender.

On account of Warren bridge— Warren bridge.

For repairs on said bridge and buildings belonging thereto, a sum not exceeding four thousand five hundred dollars.

For horse-keeping, a sum not exceeding two hundred and fifty dollars. Horse-keeping.

For gas, oil, fluid and fuel, a sum not exceeding six hundred and fifty dollars. Lights and fuel.

For incidental and contingent expenses, a sum not exceeding five hundred and fifty dollars. Incidental expenses.

For the compensation of the draw-tender on said bridge, the sum of one thousand one hundred dollars. Draw-tender.

SECTION 3. The sums mentioned in this section are appropriated to be paid out of the moneys arising from the tolls collected on the Essex bridge, for the year eighteen hundred and sixty-eight, to wit: Essex bridge tolls

For the salary of the agent of said bridge, the sum of one hundred dollars. Agent.

For the compensation of the toll-gatherers and draw-tenders upon said bridge, a sum not exceeding six hundred dollars. Toll-gatherers and draw-tenders.

For the repair and maintenance of said bridge, a sum not exceeding two thousand five hundred dollars. Repairs.

For hoisting apparatus and repairs on draw, a sum not exceeding seven hundred dollars. Hoisting apparatus.

For gas, oil and fluid, a sum not exceeding three hundred and fifty dollars. Lights and fuel.

For incidental and contingent expenses, a sum not exceeding thirty dollars. Incidental expenses.

And all moneys arising from tolls on said bridge shall be paid into the state treasury. Tolls to be paid into state treasury.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1868.

AN ACT TO REVIVE AND CONTINUE IN FORCE AN ACT INCORPORATING THE EQUITABLE MARINE INSURANCE COMPANY IN PROVINCETOWN, AND OTHER ACTS RELATING THERETO.

Chap. 9.

Be it enacted &c., as follows:

SECTION 1. The act of the year one thousand eight hundred and forty-five, entitled an "Act to incorporate the Equitable Marine Insurance Company," together with the act Charter revived and continued, without limitation of time.

Acts and contracts ratified and made legal.

of the year one thousand eight hundred and fifty-five, entitled an "Act to incorporate the Equitable Marine Insurance Company in Provincetown," and all other acts in addition thereto or in amendment thereof, are hereby revived and made valid, and shall remain and continue in force, from and after the ninth day of February, eighteen hundred and sixty-five; and all acts and contracts heretofore performed or executed by or with said company, or in the name thereof, by or with those acting or undertaking to act as the directors or agents of said company, are hereby ratified and made legal, and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws which are or may be in force relating to such corporations, in like manner and to the same effect, as if said act incorporating said company had contained no limitation of time.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1868.

Chap. 10. AN ACT TO INCORPORATE THE MASSACHUSETTS LIVE STOCK INSURANCE COMPANY IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. James H. Collins, George W. Messinger, John A. Nowell and Lyman S. Hapgood, their associates and successors, are hereby made a corporation by the name of the Massachusetts Live Stock Insurance Company, in the city of Boston, for the purpose of making insurance against losses by death, hazard of transportation, theft or otherwise, of all kinds of live stock; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force relating to such corporations.

Purpose.

Powers and duties.

Capital stock and shares.

May increase capital stock.

Proviso.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each. It shall have liberty to pay in and increase the said capital stock to five hundred thousand dollars: *provided*, that any increase of capital is paid in within five years from the passage of this act.

When may commence business.

SECTION 3. Said corporation may commence business when one hundred thousand dollars shall have been subscribed and paid in cash.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1868.

AN ACT TO INCORPORATE THE BUILDERS' MUTUAL FIRE INSURANCE COMPANY. *Chap. 11.*

Be it enacted, &c., as follows :

Henry L. Fearing, Charles E. Miles, J. C. Hoadley, S. A. Denio, George T. McLauthlin, their associates and successors, are hereby made a corporation by the name of the Builders' Mutual Fire Insurance Company, in the city of Boston, for the purpose of making insurance against losses or damage by fire or lightning, on the mutual principle ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which are or may be in force relating to such corporations.

Corporators.

Purpose.

Powers and duties.

Approved February 17, 1868.

AN ACT GIVING JURISDICTION TO POLICE COURTS AND TRIAL JUSTICES IN CERTAIN CASES. *Chap. 12.*

Be it enacted, &c., as follows :

SECTION 1. Police courts and trial justices may, in their discretion, exercise jurisdiction over offences described in the twenty-seventh section of the fiftieth chapter of the General Statutes, and in such cases may impose a fine not exceeding fifty dollars.

Police courts and trial justices may take jurisdiction over offences described in G. S. 50, § 27.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1868.

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF CAMBRIDGE WITH PURE WATER. *Chap. 13.*

Be it enacted, &c., as follows :

SECTION 1. For the purpose of extending and enlarging the Cambridge water works, the city council of the city of Cambridge, shall have authority to issue scrip or bonds in addition to the scrip or bonds, the issue of which was authorized by chapter one hundred and fifty-three of the acts of eighteen hundred and sixty-five, to an amount not exceeding five hundred thousand dollars, bearing interest, not exceeding six per centum per annum, payable semi-annually, and the principal to be payable at periods not more than fifty years from the issuing of said scrip or bonds ; and said city council shall have authority to sell said scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the extension of said water works, on such terms and conditions as the said city council shall judge proper.

Cambridge may issue scrip or bonds to extend water works.

Principal and interest, when to be paid.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1868.

Chap. 14. AN ACT TO INCORPORATE THE LOWELL YOUNG MEN'S CHRISTIAN ASSOCIATION.*Be it enacted &c., as follows :*

Corporators.

SECTION 1. Ithamar W. Beard, George C. Osgood, Artemas B. Woodworth, Aldis L Waite, their associates and successors, are hereby made a corporation by the name of the Lowell Young Men's Christian Association, in the city of Lowell, for the purpose of providing for the physical, moral and spiritual welfare of young men ; with all the powers and privileges, and subject to all the liabilities, duties, and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation shall have power to hold real and personal estate for the purposes aforesaid, not exceeding fifty thousand dollars in value.

SECTION 3. This act shall take effect upon its passage.

*Approved February 17, 1868.***Chap. 15. AN ACT TO INCORPORATE THE LADIES' CITY MISSION SOCIETY IN NEW BEDFORD.***Be it enacted &c., as follows :*

Corporators.

SECTION 1. Eunice H. Blackler, Emily H. Bourne, Nancy V. Ellis and Lucy W. Hastings, their associates and successors, are hereby made a corporation by the name of the Ladies' City Mission Society in New Bedford, for the purpose of supporting a city missionary in said city, and affording religious instruction and charitable aid to the poor thereof ; with all the powers, and subject to all the duties and liabilities set forth in the sixty-eighth chapter of the General Statutes, or in any other general laws that are now or may hereafter be in force respecting similar corporations.

Purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may take and hold real and personal estate to an amount not exceeding twenty-five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved February 17, 1868.***Chap. 16. AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE MERCHANTS' AND FARMERS' MUTUAL FIRE INSURANCE COMPANY OF WORCESTER, AND FOR OTHER PURPOSES.***Be it enacted, &c., as follows :*

Charter continued without limitation of time.

SECTION 1. Chapter one hundred and eighty-six of the acts of the year one thousand eight hundred and forty-six, entitled "An Act to incorporate the Merchants' and Farmers' Mutual Fire Insurance Company," shall be continued and remain in force from and after the sixth day of April, in the year one thousand eight hundred and seventy-four ;

and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws which are or may be in force relating to such corporations, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate to an amount not exceeding fifty thousand dollars.

Real and personal estate.

Approved February 17, 1868.

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO CHANGE THE LOCATION OF ITS ROAD IN NORTH ANDOVER AND BRADFORD, AND TO INCREASE THE AMOUNT OF ITS CAPITAL STOCK.

Chap. 17.

Be it enacted, &c., as follows :

SECTION 1. The Boston and Maine Railroad is hereby authorized and empowered to locate, construct and maintain a railroad between a point on its present road as now constructed, not less than five thousand feet northerly of the station in North Andover, and the southerly end of its bridge over the Merrimack River, between Bradford and Haverhill, or such portions of said line of railroad as it may find expedient, to furnish with portions of its present line a continuous railroad between said two points, and to discontinue such parts of its present road between said two points, as it may deem expedient; and such part of said new line of railroad as diverges from its present line shall in no case pass more than fifteen hundred feet from the present line; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

May locate and construct road in N. Andover and Bradford.

Privileges and restrictions.

SECTION 2. The said corporation is hereby authorized to increase its capital stock to five millions of dollars, by the issue of forty-five hundred new shares, of one hundred dollars each. Said new stock shall be issued at not less than its par value, under the direction of the stockholders of said corporation.

\$450,000 additional capital stock.

No shares to be issued at less than par value.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1868.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE COHASSET MUTUAL FIRE INSURANCE COMPANY.

Chap. 18.

Be it enacted, &c., as follows :

The act of the year one thousand eight hundred and forty-five, chapter one hundred and forty-four, entitled "An Act to incorporate the Cohasset Mutual Fire Insurance Com-

Charter continued without limitation of time.

Powers and
duties.

pany," shall be continued and remain in force from and after the first day of March, in the year one thousand eight hundred and seventy-three; and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws which are or may be in force, relating to such corporations, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time. *Approved February 17, 1868.*

Chap. 19. AN ACT TO AUTHORIZE THE FALL RIVER SAVINGS BANK TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted &c., as follows :

\$80,000 additional
real estate.

SECTION 1. The Fall River Savings Bank is hereby authorized to hold real estate in addition to what is now authorized by law, to an amount not exceeding thirty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1868.

Chap. 20. AN ACT TO AUTHORIZE THE BOSTON AND PROVIDENCE RAILROAD CORPORATION TO CHANGE THE LOCATION OF THE WEST MANSFIELD PASSENGER STATION.

Be it enacted, &c., as follows :

May move pas-
senger depot in
Mansfield.

SECTION 1. The Boston and Providence Railroad Corporation is hereby authorized to move its passenger station in Mansfield, known as the West Mansfield Station, to a point not more than one thousand feet south of its present location.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1868.

Chap. 21. AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE MYSTIC RIVER RAILROAD.

Be it enacted &c., as follows :

Time extended to
1870-71.

SECTION 1. The time allowed to locate the Mystic River Railroad is hereby extended to the first day of May, in the year eighteen hundred and seventy; and to construct the same, to the first day of May, eighteen hundred and seventy-one.

SECTION 2. This act shall take effect upon its passage. •

Approved February 17, 1868.

Chap. 22. AN ACT TO INCORPORATE THE GRAVES END BRANCH STREET RAILWAY COMPANY.

Be it enacted &c., as follows :

Corporators.

SECTION 1. Oliver Ramsdell, Jonathan Mansfield, Amos F. Breed, their associates and successors, are hereby made a corporation by the name of the Graves End Branch Street

Railway Company, for the purpose of constructing and using a street railroad from some convenient point in ward one of the city of Lynn to some convenient point in ward four in said city; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to street railway corporations.

May construct street railroad in Lynn.

SECTION 2. The capital stock of said corporation shall not exceed fifteen thousand dollars.

Capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE MOUNT HOPE IRON COMPANY.

Chap. 23.

Be it enacted, &c., as follows:

SECTION 1. The Mount Hope Iron Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, by adding thereto from time to time, at its discretion, an additional number of shares, not exceeding one thousand shares of one hundred dollars each: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

\$100,000 additional capital stock.

No shares to be issued for less than par value.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1863.

AN ACT RELATING TO INCOMPATIBILITY OF CERTAIN OFFICES.

Chap. 24.

Be it enacted, &c., as follows:

SECTION 1. No person holding a judicial office under the laws of the United States shall hold any judicial office under the constitution and laws of this state, except those of trial justice and justice of the peace.

U. S. judicial officer not to hold similar office in state.

SECTION 2. Sections fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter one hundred and forty-four of the General Statutes are hereby repealed.

G. S. 144, §§ 58-67 repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 20, 1868.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Chap. 25.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit:

Appropriations authorized.

CHARITABLE.

State almshouse, Monson.	For the current expenses of the state almshouse at Monson, a sum not exceeding four thousand eight hundred and eighty-nine dollars.
Primary school, &c.	For expenses incurred in connection with the establishment of the state primary school at Monson, a sum not exceeding three thousand eight hundred and fifty-one dollars eighty-two cents.
Support of lunatic state paupers.	For the support and relief of lunatic state paupers in state hospitals, a sum not exceeding two thousand dollars.
Of state, by cities and towns.	For the support of state paupers by cities and towns, a sum not exceeding seven thousand dollars.

REFORMATORY AND CORRECTIONAL.

Mass. nautical school.	For the current expenses of the Massachusetts nautical school, a sum not exceeding two thousand one hundred and thirty-five dollars twenty-nine cents.
Industrial school for girls.	For the current expenses of the industrial school for girls, a sum not exceeding one thousand nine hundred and seventy-four dollars sixty-one cents.
State police.	For the contingent expenses of the state police, a sum not exceeding one thousand three hundred and twenty dollars fifty-one cents.

MILITARY.

Record of officers and soldiers.	For printing the record of Massachusetts officers and soldiers, authorized by chapter ninety-eight of the resolves of eighteen hundred and sixty-six, a sum not exceeding five thousand dollars.
Escort at reception of president of U. S.	For the compensation and expenses of the military escort ordered out for the reception of the president of the United States in the year eighteen hundred and sixty-seven, a sum not exceeding six thousand three hundred seventy-nine dollars and fifty cents, which shall be allowed and paid.
Quartermaster's supplies.	The unexpended balance of the appropriation made in chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-seven, for quartermaster's supplies, is hereby made applicable for the same purpose during the present year.

MISCELLANEOUS.

Sergeant-at-arms	For books, printing and stationery ordered by the sergeant-at-arms for the legislature, a sum not exceeding sixty-two dollars and eighty cents.
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For the compensation of the treasurer's extra clerks, a sum not exceeding thirty-two dollars and forty-three cents. Treasurer's clerks.

For the expenses of the tax commissioner, a sum not exceeding four hundred and five dollars and seventy-one cents. Tax commissioner.

For incidental expenses of the secretary's department, a sum not exceeding two hundred twenty-seven dollars and eighty cents. Secretary's expenses.

For the contingent expenses of the insurance commissioner, a sum not exceeding nine hundred fifty-five dollars and fifty cents. Insurance commissioner.

For the incidental expenses of the board of agriculture, a sum not exceeding sixty-six dollars and ninety cents. Board of agriculture, incidentals.

For the personal expenses of the members of the board of agriculture, a sum not exceeding three hundred twenty-eight dollars and sixty cents. Expenses of members.

For postage, printing and stationery for the board of education, a sum not exceeding nine hundred eighty-eight dollars and nine cents, payable from the income of the Massachusetts school fund, applicable to educational purposes. Board of education.

For expenses of the Charles River and Warren bridges, a sum not exceeding two thousand seven hundred sixty-two dollars and eighty-six cents, payable from the Charles River and Warren bridge fund. Charles river and Warren bridges.

For expenses of the Essex bridge, a sum not exceeding seven hundred twenty-seven dollars and eighty-three cents, payable from the Essex bridge fund. Essex bridge.

For expenses incurred in the establishment of boundary lines at Gay Head, as authorized by chapter forty-two of the resolves of the year eighteen hundred and sixty-three, and chapter sixty-seven of the resolves of the year eighteen hundred and sixty-six, a sum not exceeding four hundred and forty-four dollars forty-five cents. Establishing boundaries at Gay Head.

For expenses incurred in the sale of the agricultural college land scrip, a sum not exceeding one thousand two hundred and twenty-six dollars fifty-six cents, which shall be allowed and paid. Agricultural college land scrip.

For the salaries of the justices of the superior court, the sum of one thousand and forty-five dollars. Justices of superior court.

For the salary of the justice of the police court in Haverhill, the sum of forty-three dollars and thirty-three cents; and for the salary of the clerk of said court the sum of twenty-one dollars and sixty-seven cents. Police court, Haverhill.

For sundry small items of expenditure due and unpaid in the year eighteen hundred and sixty-seven and previous years, a sum not exceeding one thousand dollars. Sundry items.

Printing, &c.,
house and senate.

For printing and binding for the senate and house, a sum not exceeding four thousand eight hundred and six dollars seventy-seven cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1868.

Chap. 26. AN ACT TO INCORPORATE THE WAYLAND AND SUDBURY BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Horace Heard, Edward Pousland, James S. Draper, Charles A. Cutting, Henry D. Parmenter, Dexter C. Jones, Thomas P. Hurlbut, Samuel B. Rogers, John H. Dakin, J. C. Howe, their associates and successors, are hereby made a corporation by the name of the Wayland and Sudbury Branch Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Powers and
duties.

Location.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing either at a point at or near Mill Village, in the town of Sudbury, or at a point at or near the centre of said town: thence to the town of Wayland, and through said last named town and the town of Weston, to such convenient point as it may select at or near Stony Brook station on the Fitchburg Railroad.

Passenger and
freight stations
and turnouts.

SECTION 3. Said corporation shall erect and maintain one or more stations and turnouts for the accommodation of passengers and freight in each of the following named localities, viz.: In the town of Sudbury, in Wayland Centre, and in that part of said Wayland called "the Plain" at or near the point where said railroad shall intersect the "Concord Road," so called, and also in Weston.

May use Fitch-
burg railroad, or
sell franchise, &c.

SECTION 4. Said corporation may enter with its road upon and use the road of the Fitchburg Railroad Company, subject to the general laws relating to railroad corporations; or it may sell, assign and convey, or lease its road and franchise to the said Fitchburg Railroad Company.

Capital stock and
shares.

SECTION 5. The capital stock of said corporation shall be fixed by the directors thereof, at an amount not less than one hundred thousand dollars, nor more than two hundred thousand dollars; and said stock shall be divided into shares of one hundred dollars each.

Conditions of
validity of act.

SECTION 6. This act shall be void unless the said railroad be located within two years, and completed within three years from the passage hereof.

Approved February 21, 1868.

AN ACT TO INCORPORATE THE NEW ENGLAND LIQUID FUEL COMPANY. *Chap. 27.*

Be it enacted, &c., as follows :

SECTION 1. Henry R. Foote, Francis A. Osborn, Micah Dyer, junior, their associates and successors, are hereby made a corporation by the name of the New England Liquid Fuel Company, for the purpose of holding and dealing in the patent rights of said Foote for improved apparatus for generating and burning the vapor of hydro-carbon oils, and for divers other improvements relating to the use of liquid fuel, patented and to be patented by said Foote ; and also for the purpose of manufacturing and selling machines constructed under said patents, with any future improvements thereon, and for manufacturing and dealing in such fuel as is used in said machines ; and for these purposes shall have all the powers and privileges, and shall be subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

Corporators.

Name and purpose

SECTION 2. Said corporation shall have its principal office in the city of Boston, and may hold, for the purposes aforesaid, real estate not exceeding the value of fifty thousand dollars, and the capital stock shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however*, that said corporation shall not go into operation until seventy-five thousand dollars of its capital is paid in in cash, not more than one-half of which shall be expended for the purchase of the patent rights named in the first section.

Principal office to be in Boston.

Capital stock.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1868.

AN ACT TO INCORPORATE THE TRUSTEES OF HOLYROOD SCHOOL. *Chap. 28.*

Be it enacted, &c., as follows :

SECTION 1. Theodore Edson, Charles Hovey, Benjamin C. Sargeant, their associates and successors, are hereby constituted a body corporate under the name of "The Trustees of Holyrood School," for the purpose of establishing and maintaining a boarding-school for the education of girls, to be located in the city of Lowell, or its vicinity ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Location in Lowell.

SECTION 2. Said board of trustees shall consist of not less than seven nor more than thirteen members, and shall have power to fill vacancies in their own number : *provided*,

Board of trustees

that no corporate business shall be transacted at any meeting of said board unless a majority of the trustees are present.

Real and personal estate.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to educational purposes, as provided in this act.

SECTION 4. This act shall take effect upon its passage.

Approved February 21, 1868.

Chap. 29. AN ACT TO INCORPORATE THE TRUSTEES OF THE HOWARD FUNDS IN WEST BRIDGEWATER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Azel Howard, Benjamin Howard, Francis E. Howard, John E. Howard, Austin Packard, Otis Drury, Pardon Copeland, James Copeland, George D. Ryder, Jonathan C. Keith, John M. Lothrop, their associates and successors, are hereby made a corporation by the name of "The Trustees of the Howard Funds in West Bridgewater," for the purpose of holding in trust and administering the school fund, parochial fund, and lecture fund provided for by the will of the late Benjamin B. Howard, of West Bridgewater, proved and allowed in the probate court, held at Plymouth, in and for the county of Plymouth, on the thirteenth day of May, in the year one thousand eight hundred and sixty-seven; subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Corporation may take and hold real and personal estate.

SECTION 2. Said corporation is hereby authorized and empowered to take and hold, for the purposes therein set forth, all the estate bequeathed in trust by said will to the trustees herein named; and may take and hold any other estate, real or personal, which may be acquired by said corporation by gift, devise, purchase or otherwise, for the same purposes: *provided, however*, that the actual value of the estate by them held or possessed as aforesaid, shall not at any one time exceed the amount of two hundred thousand dollars.

Limitation.

Accounts of receipts and expenditures, to be kept.

SECTION 3. Said corporation shall cause accurate accounts to be kept of all the receipts and expenditures of each fund provided for in said will, in the same manner as if each of said funds was held by a separate corporation.

SECTION 4. This act shall take effect upon its passage.

Approved February 21, 1868.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE BOSTON, BARRE AND GARDNER RAILROAD. *Chap. 30.*

Be it enacted, &c., as follows :

SECTION 1. The time for constructing the Boston, Barre and Gardner Railroad is hereby extended to the first day of July, in the year eighteen hundred and seventy-one. Time extended to 1871.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1868.

AN ACT TO INCORPORATE THE WASHBURN AND MOEN MANUFACTURING COMPANY. *Chap. 31.*

Be it enacted, &c., as follows :

SECTION 1. Ichabod Washburn, Philip L. Moen, William E. Rice, Charles Washburn, Charles F. Washburn, Henry Goddard, Dorance S. Goddard, their associates and successors, are hereby made a corporation by the name of the Washburn and Moen Manufacturing Company, for the purpose of making and working of iron, steel and other metals, and of manufacturing cotton yarn and cotton goods in the city of Worcester ; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations. Corporators.

SECTION 2. The capital stock of said corporation shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each ; and said corporation may hold such real and personal estate as may be necessary for the purposes set forth in this act, and shall not commence business until six hundred thousand dollars of its capital stock shall have been paid in. Name and purpose.
Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1868.

AN ACT TO CHANGE THE NAME OF THE TOWN OF SOUTH READING. *Chap. 32.*

Be it enacted, &c., as follows :

SECTION 1. The town of South Reading in the county of Middlesex, shall take the name of Wakefield. Name of South Reading changed to Wakefield.

SECTION 2. This act shall take effect from and after the thirtieth day of June, in the year one thousand eight hundred and sixty-eight.

Approved February 25, 1868.

AN ACT CONCERNING THE TURNER'S FALLS BRANCH RAILROAD COMPANY. *Chap. 33.*

Be it enacted, &c., as follows :

SECTION 1. The time allowed the Turner's Falls Branch Railroad Company for locating and constructing its railroad is hereby extended two years. Time extended two years.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1868.

Chap. 34. AN ACT TO AUTHORIZE THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO LEASE ITS ROAD.

Be it enacted, &c., as follows:

May lease road to
Providence and
Worcester Rail-
road Company.

SECTION 1. The Milford and Woonsocket Railroad Company is hereby authorized to lease its railroad, for a term of years, to the Providence and Worcester Railroad Company, upon such terms as may be agreed upon by the directors of said corporations, the same to be approved and accepted by a majority of the stockholders of said corporations respectively, at legal meetings thereof called for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1868.

Chap. 35. AN ACT TO INCORPORATE THE EAST WALPOLE BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Francis W. Bird, William S. Tilton, Herbert W. Presby, their associates and successors, are hereby made a corporation by the name of the East Walpole Branch Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Name and pur-
pose.

Location.

SECTION 2. Said company is hereby authorized and empowered to locate, construct and maintain a railroad, with one or more tracks, from some convenient point on the Boston, Hartford and Erie Railroad, between the South Dedham and East Walpole station on said Boston, Hartford and Erie Railroad, in South Dedham, to some convenient point in East Walpole, near the post-office, and to enter with their railroad, by proper turnouts and switches, upon the Boston, Hartford and Erie Railroad, at the point aforesaid; and to use the same, or any part thereof, according to the provisions of law.

Capital stock and
shares.

SECTION 3. The capital stock of said company shall not exceed two thousand shares, of one hundred dollars each, the number to be determined, from time to time, by the directors of said company; and said company may purchase and hold such real estate as may be necessary for the purposes of their incorporation.

No shares to be
issued at less
than par value.

SECTION 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

Location within
two years, and
construction
within three
years.

SECTION 5. If the location of this road shall not be filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void.

SECTION 6. The said company are hereby authorized to extend their railroad hereby authorized, from its terminus in East Walpole, to unite with the Boston, Hartford and Erie Railroad, at some convenient point between East Walpole and Walpole Centre, and to enter upon the Boston, Hartford and Erie Railroad at the point aforesaid, and to use the same, according to the provisions of law; and for the purposes of this extension, the capital stock of this company may be increased, by adding thereto, not exceeding three hundred and fifty shares, of one hundred dollars each, for that purpose.

May unite with
Hartford and
Erie Railroad.

\$35,000 additional
capital stock.

SECTION 7. If the extension authorized by the preceding section, shall not be located and built within three years from the passage of this act, then so much of this act as relates to such extension, shall be void.

Road to be located
and built within
three years.

SECTION 8. Said company is hereby authorized to make any contract with the Boston, Hartford and Erie Railroad Company, or its successors, for the sale, leasing or use and maintenance of the railroad hereby authorized.

May sell or lease
to B., H. and E.
Railroad Co.

SECTION 9. This act shall take effect upon its passage.

Approved February 25, 1868.

AN ACT TO INCORPORATE THE PROSPECT HOTEL COMPANY.

Be it enacted, &c., as follows:

Chap. 36.

SECTION 1. Edward Appleton, Chauncey P. Judd and Nathan P. Pratt, their associates and successors, are hereby made a corporation by the name of the Prospect Hotel Company for the purpose of erecting a hotel to be located in Reading in the county of Middlesex, and of maintaining such hotel with all the buildings and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which are now, or may hereafter be in force and applicable to such corporation: *provided, however*, that said corporation shall not carry on the business of keeping a hotel or boarding-house.

Corporators.

Name and purpose.

Powers and duties.

Proviso.

SECTION 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real and personal estate to the value of one hundred and fifty thousand dollars for the purpose mentioned in the first section: *provided, however*, that said corporation shall not incur any liability until the sum of thirty-seven thousand five hundred dollars has been paid in in cash.

Capital stock and shares.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1868.

Chap. 37. AN ACT TO FIX THE TENURE OF THE OFFICE OF THE CLERK OF THE SENATE.

Be it enacted, &c., as follows :

Clerk of senate.

The clerk of the senate shall hold his office until his successor is chosen and qualified.

Approved February 28, 1868.

Chap. 38. AN ACT CONCERNING THE BOSTON AND HINGHAM STEAMBOAT COMPANY.

Be it enacted, &c., as follows :

\$100,000 additional capital authorized.

SECTION 1. The Boston and Hingham Steamboat Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of said company: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum, to be actually paid in on each, than the par value of the shares in the present capital stock of said corporation.

Shares not to be issued at less than par value.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1868.

Chap. 39. AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE NEW ENGLAND MUTUAL MARINE INSURANCE COMPANY TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, &c., as follows :

\$220,000 additional capital authorized.

SECTION 1. The New England Mutual Marine Insurance Company is hereby authorized to hold real estate, in addition to the amount now allowed by section two, chapter one hundred and twenty-nine of the acts of the year one thousand eight hundred and thirty-nine, not exceeding two hundred and twenty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1868.

Chap. 40. AN ACT TO INCORPORATE THE ARLINGTON AND LEXINGTON STREET RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel S. Davis, Moses Hunt, Addison Hill, James A. E. Bailey, their associates and successors, are hereby made a corporation by the name of the Arlington and Lexington Street Railway Company, for the purpose of constructing and using a street railroad from the terminus of the Arlington Horse Railroad near Academy Street in Arlington, through High Street, so-called, to a point known as the Foot of the Rocks; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may be hereafter in force relating to street railway corporations.

Purpose.

Powers and duties.

SECTION 2. Said company is hereby authorized to lease its railway to or unite itself with the Arlington Horse Railroad Company, upon such terms as may be agreed upon, and after the same shall have been approved and accepted by a majority of the stockholders of said corporations, respectively, at legal meetings thereof called for that purpose.

May lease to, or unite with Arlington Horse Railroad Co.

SECTION 3. The capital stock of said company shall not exceed fifteen thousand dollars.

Capital stock.

SECTION 4. This act shall take effect upon its passage.

Approved March 3, 1868.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES; THE HOSPITAL AT RAINSFORD ISLAND; THE STATE PRISON; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL; THE SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS, AND FOR OTHER PURPOSES.

Chap. 41.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, in the year eighteen hundred and sixty-eight, to wit:

Appropriations authorized.

CHARITABLE.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding twenty thousand dollars.

State almshouse: Tewksbury.

For the current expenses of the state almshouse and state primary school at Monson, a sum not exceeding twenty thousand dollars.

Monson.

For the current expenses of the state almshouse and state workhouse at Bridgewater, a sum not exceeding fifteen thousand dollars.

Bridgewater.

For expenses of the hospital at Rainsford Island, including expenses of transportation, a sum not exceeding fifteen hundred dollars.

Hospital, Rainsford Island.

For expenses of the general agent of the board of state charities, a sum not exceeding eight hundred and fifty dollars.

Agent state charities, expenses.

For the salary of the agent of the board of state charities, three thousand dollars, in lieu of any former appropriation the present year.

Salary.

For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding three thousand dollars in addition.

Clerical assistance.

Secretary state charities.	For expenses of the secretary of the board of state charities, a sum not exceeding six hundred dollars.
Clerical assistance.	For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five hundred dollars in addition.
Board of state charities; expenses.	For travelling and other expenses of the board of state charities, a sum not exceeding one thousand six hundred dollars, and the appropriations for said board may be drawn and disbursed by the general agent.
Lunatic paupers.	For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding thirty thousand dollars.
State paupers, transportation.	For the transportation of state paupers to almshouses, a sum not exceeding five hundred dollars.
Burial.	For the burial of state paupers, a sum not exceeding six thousand dollars.
Support by cities and towns.	For the support of state paupers by the cities and towns, a sum not exceeding twenty-five thousand dollars.
Coroners' inquests.	For the expenses of coroners' inquests, a sum not exceeding one thousand dollars.
State almshouse sinking fund.	To the state almshouse loan sinking fund for the redemption of scrip, the sum of six thousand dollars.
Asylum for the blind.	For the Perkins' institution and Massachusetts asylum for the blind, the sum of sixteen thousand dollars.
Idiotic and feeble-minded youth.	For the Massachusetts school for idiotic and feeble-minded youth, the sum of nine thousand dollars.
Asylums for the deaf and dumb.	For the support of Massachusetts beneficiaries in the asylum for deaf and dumb at Hartford, and the Clarke institution at Northampton, a sum not exceeding twenty-five thousand dollars.
Johonnot annuities.	For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand four hundred dollars.
Cases of bastardy	For expenses attending the management of cases of settlement and bastardy in eighteen hundred and sixty-eight and previous years, a sum not exceeding three thousand dollars.
Pensions.	For pensions, a sum not exceeding five hundred dollars.

REFORMATORY AND CORRECTIONAL.

State prison.	For the current expenses of the state prison, a sum not exceeding one hundred and five thousand dollars.
Reform school at Westborough.	For the current expenses of the state reform school for boys at Westborough, a sum not exceeding twenty thousand dollars, said sum to be expended solely for the current expenses of said institution; and no money appropriated by this act shall be expended by the trustees of said school for the erection of new buildings.

For the current expenses of the Massachusetts nautical school, a sum not exceeding twenty thousand dollars.

Nautical school.

For the current expenses of the state industrial school for girls at Lancaster, a sum not exceeding ten thousand dollars.

Industrial school for girls.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

Arrest of fugitives.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars; and for the expenditures of said agent, a sum not exceeding one thousand dollars.

Discharged convicts.

For the compensation of the state police, a sum not exceeding eight thousand dollars; for travelling expenses of the state police, a sum not exceeding sixteen hundred dollars; for clerical, incidental and contingent expenses of the constable of the Commonwealth, a sum not exceeding fifteen hundred dollars, which shall be allowed and paid.

State police.

Constable of the Commonwealth.

From the appropriations for expenses of the state prison, of the state almshouses at Tewksbury, Monson and Bridgewater, and of the reform school for boys at Westborough, the Massachusetts nautical school, and of the industrial school for girls, there may be paid to each in advance, a sum not exceeding one thousand dollars, to be accounted for to the state auditor in the monthly settlements of said institutions; and all sums received by said institutions from cities, towns or individuals, for the support of the inmates, or for articles sold, shall be paid into the treasury of the Commonwealth.

Advances may be made from certain appropriations for expenses State almshouses &c.

Proceeds of sales, &c., to be paid into State treasury.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding two thousand dollars: *provided*, the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses, to be in addition to a former appropriation.

Transportation of State paupers.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1868.

AN ACT TO INCORPORATE THE SOUTH WEYMOUTH SAVINGS BANK.
Be it enacted, &c., as follows:

Chap. 42.

SECTION 1. Benjamin F. White, Christopher C. Blanchard, Appleton Howe, their associates and successors, are hereby made a corporation by the name of the South Weymouth Savings Bank, to be located in the southerly part of Weymouth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the fifty-seventh chapter of the General Statutes, and all other laws

Corporators.

Powers and duties.

of this Commonwealth which now are or may hereafter be in force relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1868.

Chap. 43. AN ACT TO UNITE THE MASSACHUSETTS SABBATH SCHOOL SOCIETY AND THE CONGREGATIONAL BOARD OF PUBLICATION.

Be it enacted, &c., as follows :

Name changed.

SECTION 1. The corporation heretofore established by the name of the Massachusetts Sabbath School Society, shall hereafter be known by the name of the Congregational Sabbath School and Publishing Society, and by that name shall have, hold and enjoy all its rights and privileges, and be subject to all its liabilities and obligations, to the same extent as if its name had not been changed.

May unite with the Congregational Board of Publication.

SECTION 2. The Congregational Board of Publication is hereby authorized to unite and form one corporation with said Massachusetts Sabbath School Society, and for said purpose to assign, transfer and convey all its rights, privileges, interests and property to said Massachusetts Sabbath School Society, upon such terms as may be agreed upon between said societies ; and said Massachusetts Sabbath School Society is hereby authorized and empowered to accept and receive such transfer thereof, and take and hold the same ; and said last named society shall thereupon, under said name of the Congregational Sabbath School and Publishing Society, have all the rights, powers and privileges which either of said corporations now have, and shall become and be liable for all the debts or liabilities of either of said societies, and may hold real and personal property to an amount not exceeding three hundred and fifty thousand dollars.

May publish and distribute books and tracts.

SECTION 3. Said Congregational Sabbath School and Publishing Society may publish, purchase, sell, circulate and distribute, in such manner as they shall deem expedient, any and all publications, books, tracts, papers or periodicals, calculated to promote good morals and pure Christianity and the spread and extension of the gospel of Jesus Christ ; and may take, invest, hold and disburse any and all charitable funds contributed to it for the purposes aforesaid.

May hold gifts and legacies made to either society.

SECTION 4. Any gift, devise, bequest or legacy which has been or may hereafter be given or made to either of said societies under the name it has heretofore had, shall be held, enjoyed and appropriated by said Congregational Sabbath School and Publishing Society, in like manner and to the same purposes as it would have been by either of said societies if the same had not been united under this act.

SECTION 5. This act shall be void unless the same shall be accepted by each of said societies, at meetings thereof called for that purpose, or at the annual meeting thereof, held next after the passage of this act. *Approved March 6, 1868.*

Act to take effect
if accepted by
both societies.

AN ACT TO AUTHORIZE THE LYNN FIVE CENTS SAVINGS BANK, IN THE CITY OF LYNN, TO HOLD REAL ESTATE.

Chap. 44.

Be it enacted, &c., as follows:

SECTION 1. The Lynn Five Cents Savings Bank, in the city of Lynn, is hereby authorized to hold real estate to the amount of forty thousand dollars, to be invested in the purchase of a suitable building, to be used for banking purposes, or in the purchase of a site and the erection of a suitable building, for the same purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May invest \$40,-
000 in a banking
house.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1868.

AN ACT TO INCORPORATE FRIENDSHIP LODGE IN CAMBRIDGE.

Chap. 45.

Be it enacted, &c., as follows:

SECTION 1. Samuel W. Dudley, Ira Taylor, Samuel B. Gardner, their associates and successors, are hereby made a corporation by the name of the Friendship Lodge in Cambridge, for the purpose of erecting and maintaining a building in said Cambridge, which shall contain a hall or halls and other rooms which may be let or used for any lawful purpose; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws of the Commonwealth, which are or may be in force, so far as applicable to said corporation.

Corporators.

Name and pur-
pose.

SECTION 2. Said corporation shall have a capital stock not exceeding twenty-five thousand dollars, divided into shares of one hundred dollars each, and may hold, for the purposes aforesaid, real and personal estate, not exceeding the amount of the capital stock.

Capital stock and
shares.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1868.

AN ACT TO INCORPORATE THE NEWTON HOUSE COMPANY.

Chap. 46.

Be it enacted, &c., as follows:

SECTION 1. Orrin Whipple, Ralph W. Holman, Royal Gilkey, their associates and successors, are hereby made a corporation by the name of the Newton House Company, for the purpose of erecting a hotel, to be located in the town of Newton, and maintaining such hotel, with the buildings, appurtenances and improvements connected therewith; with

Corporators.

May build hotel
in Newton.

all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws, which now are or may hereafter be in force, and applicable to such corporations: *provided, however*, that said corporation shall not carry on the business of keeping a hotel or boarding-house, or be in any way interested in such business.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real and personal estate to the value of two hundred thousand dollars, for the purpose mentioned in the first section: *provided, however*, that said corporation shall not incur any liability until the sum of fifty thousand dollars has been paid in in cash.

Not to incur liability until \$50,000 is paid in.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1868.

Chap. 47.

AN ACT TO AUTHORIZE THE ROXBURY GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows:

\$300,000 additional capital stock.

SECTION 1. The Roxbury Gas Light Company is hereby authorized to increase its capital stock, by an amount not exceeding three hundred thousand dollars; but no stock created under this act shall be issued contrary to the provisions of the ninth section of the sixty-eighth chapter of the General Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1868.

Chap. 48.

AN ACT TO INCORPORATE THE LEXINGTON HOTEL COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. George W. Robinson, William A. Tower, James S. Munroe, their associates and successors, are hereby made a corporation by the name of the Lexington Hotel Company, for the purpose of erecting a hotel to be located in the town of Lexington, and maintaining such hotel, with the buildings and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which now are, or may hereafter be in force, applicable to such corporations: *provided, however*, that said corporation shall not carry on the business of hotel keeping, nor in any way be interested in such business.

May build hotel in Lexington.

Proviso.

Capital stock.

SECTION 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real and personal estate to the value

Real and personal estate.

of seventy-five thousand dollars, for the purpose mentioned in the first section: *provided, however*, that said corporation shall not incur any liability until the sum of twenty-five thousand dollars has been paid in in cash.

Not to incur liability until \$25,000 is paid in.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1868.

AN ACT IN RELATION TO THE PUBLICATION OF THE NAMES OF OFFICERS OF SAVINGS BANKS.

Chap. 49.

Be it enacted, &c., as follows:

SECTION 1. Section one hundred and thirty-eight of chapter fifty-seven of the General Statutes is hereby so amended that the person acting as clerk of any meeting of a savings bank for the election of officers, shall, within thirty days after such meeting, publish in some newspaper published within the county where the savings bank is situated, a list of all persons who accept the offices to which they are elected at such meeting.

List of officers of savings banks to be published within 30 days of election.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1868.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 50.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and sixty-eight, to wit:

Appropriations authorized.

LEGISLATIVE DEPARTMENT.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding twenty-five thousand dollars.

Senate and house printing and binding.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand two hundred dollars.

Senate stationery

For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding seven hundred dollars.

Printing.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand four hundred dollars.

House of Representatives, stationery.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding eight hundred dollars.

Printing.

Sergeant-at-arms
books, &c.

For books, stationery, printing and advertising ordered by the sergeant-at-arms for the legislature, a sum not exceeding six hundred dollars.

Committees of
legislature.

For the authorized expenses of committees of the legislature, a sum not exceeding eight hundred dollars.

Clerical assistance to committees.

For clerical assistance to committees authorized to employ the same, a sum not exceeding six hundred dollars, the same to include service rendered by any clerk in the employ of the state, without interference with his regular duties; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairmen of such committees, or other members authorized by the committees to certify such accounts.

EXECUTIVE DEPARTMENT.

Governor and
council; printing,
stationery.

For postage, printing and stationery for the governor and council, a sum not exceeding eight hundred dollars.

Contingent expenses.

For the contingent expenses of the governor and council, a sum not exceeding one thousand dollars.

STATE HOUSE EXPENSES.

State house; fuel
and lights.

For fuel and lights for the state house, a sum not exceeding seven thousand five hundred dollars.

Repairs, fuel and
lights, &c., for
1867.

For repairs, improvements and furniture of the state house, a sum not exceeding three thousand dollars; and for repairs, furniture, fuel and light for the state house, and for contingent expenses of the legislature, for the year eighteen hundred and sixty-seven, a sum not exceeding one thousand seven hundred sixty-two dollars and sixty-one cents.

Contingent expenses of senate
and house.

For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding three thousand five hundred dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act, or in any act which may be subsequently passed.

STATE PRINTING.

Printing general
laws.

For printing such number, not exceeding thirty-five thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding five thousand dollars.

Blue book.

For printing and binding three thousand copies of the "blue book" edition of the acts and resolves of the present

year, with the governor's messages and other matters, in the usual form, a sum not exceeding four thousand five hundred dollars.

For the publication of the general laws and all other information intended for the public, a sum not exceeding four hundred dollars. General laws.

For the printing and binding of blanks for the use of cities and towns in the registration of births, marriages and deaths, a sum not exceeding five hundred dollars. Registration blanks.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-eight, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding thirty thousand dollars. Public documents.
Binding.

For term reports, a sum not exceeding five thousand five hundred dollars. Term reports.

For the publication of bank returns, a sum not exceeding two hundred dollars. Bank returns.

For assessors' books, a sum not exceeding two thousand dollars. Assessors' books.

For printing and binding the annual railroad reports, a sum not exceeding two thousand five hundred dollars. Railroad reports.

CONTINGENT AND INCIDENTAL EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding four thousand five hundred dollars. Incidental expenses, secretary.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand dollars. Treasurer.

For the expenses of the tax commissioner, a sum not exceeding one thousand eight hundred dollars. Tax commissioner.

For incidental expenses of the auditor's department, a sum not exceeding four hundred dollars. Auditor.

For the purchase of books for the library in the office of the attorney-general, a sum not exceeding two hundred dollars, which shall be allowed and paid. Attorney-general library.

For fees, costs and court expenses of the attorney-general and for incidental and contingent expenses of the office of the attorney-general, a sum not exceeding one thousand one hundred dollars. Fees, costs, &c.

For costs accruing the present year under the provisions of section twenty-four of chapter fourteen of the General Statutes, a sum not exceeding three hundred dollars. Civil actions where state is a party.

For the incidental and contingent expenses of the insurance commissioner, a sum not exceeding five hundred dollars; Insurance commissioner.

Incidental expenses.

and a further sum not exceeding five hundred dollars, for the incidental expenses of said commissioner growing out of the valuation of policies of life insurance, to be paid from the fees received from the companies as compensation for such valuation.

MILITARY EXPENSES, ETC.**Adjutant-general; incidental expenses.**

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding two thousand five hundred dollars.

Surgeon-general, expenses.

For expenses of the bureau of the surgeon-general, a sum not exceeding two thousand dollars.

Medical supplies.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for the use of the state militia, a sum not exceeding five hundred dollars.

State aid to non-resident soldiers.

For the payment from the state treasury of aid to Massachusetts volunteers, resident out of the Commonwealth, a sum not exceeding fifteen thousand dollars.

State aid; law expenses.

For expenses attending the administration of the law providing state aid for Massachusetts volunteers and their families, a sum not exceeding one thousand three hundred dollars; and for expenses attending the examination of disbursements of aid by cities and towns, a sum not exceeding two thousand dollars.

State aid to resident soldiers.

For the re-imbursement of cities and towns for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding nine hundred thousand dollars, the same to be payable on the first day of December in the year eighteen hundred and sixty-eight.

Bounties to soldiers.

Of the bounty fund established by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, there is hereby re-appropriated a sum not exceeding thirty thousand dollars for the payment of bounties remaining due to Massachusetts soldiers, under the provisions of chapters ninety-one and two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three.

Coast defence loan.

Of the coast defence loan authorized by the provisions of chapter one hundred and eighteen of the acts of the year eighteen hundred and sixty-three, for the payment of expenses connected with the coast defences of Massachusetts, there is hereby re-appropriated a sum not exceeding three thousand dollars.

Quartermaster-general, expenses

For incidental and contingent expenses of the bureau of the quartermaster-general and master of ordnance, a sum not exceeding six thousand five hundred dollars.

AGRICULTURAL DEPARTMENT.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand five hundred dollars. Board of agriculture.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars. Secretary.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars. Incidental expenses.

For printing the report of the board of agriculture, a sum not exceeding twelve thousand dollars. Report.

MISCELLANEOUS.

For the compensation of the commissioners on public lands, a sum not exceeding two thousand five hundred dollars; and for contingent and incidental expenses of said commissioners, a sum not exceeding five hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes. Commissioners on public lands. Compensation. Expenses.

For the compensation of the engineer appointed under the provisions of chapter three hundred and fifty-four of the acts of eighteen hundred and sixty-seven, relating to the Commonwealth's flats in Boston harbor, a sum not exceeding five thousand dollars. Engineer Boston harbor flats.

For the compensation and expenses of the harbor commissioners, a sum not exceeding ten thousand dollars, payable upon vouchers properly approved and filed with the auditor for his certificate. Harbor commissioners.

For expenses of the state commissioner on the Antietam and Gettysburg national cemeteries, a sum not exceeding one hundred and fifty dollars, which shall be allowed and paid. Commissioner on national cemeteries.

For the distribution of proclamations and blanks, and for making return of votes by the sheriffs of the several counties, a sum not exceeding five hundred dollars. Blanks for return of votes.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian. State library; books.

For expenses of the inspector of gasmeters, a sum not exceeding five hundred dollars; and the sum of three thousand dollars appropriated in chapter one of the acts of the year eighteen hundred and sixty-eight shall be held to include office rent and expenses for the present year. Inspector of gasmeters.

Emergency fund. For the emergency fund, ten thousand dollars, which is hereby made applicable to and may be used during the present political year, for the purposes and under the provisions and limitations mentioned in chapter twenty-two of the acts of the year eighteen hundred and fifty-eight.

Union loan sinking fund. To the union loan sinking fund, established under chapter two hundred and nine of the acts of the year eighteen hundred and sixty-one, to be invested in accordance with the provisions of chapter one hundred and eighty-seven of the acts of the year eighteen hundred and sixty-two, the sum of forty-one thousand nine hundred and fifty dollars.

Bounty loan sinking fund. To the bounty loan sinking fund, established under chapter ninety-one of the acts of the year eighteen hundred and sixty-three, to be invested in accordance with the provisions of section five of said chapter, the sum of twenty thousand dollars.

Mass. war loan sinking fund. To the Massachusetts war loan sinking fund, established under chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, the sum of one hundred and seventy-five thousand two hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1868.

Chap. 51. AN ACT TO PROVIDE FOR THE FUNDING OF THE UNFUNDED DEBT CREATED IN THE CONSTRUCTION OF THE TROY AND GREENFIELD RAILROAD AND THE HOOSAC TUNNEL.

Be it enacted, &c., as follows:

Debt created in construction of Troy and Greenfield Railroad to be funded. SECTION 1. For the purpose of funding the unfunded debt which has been heretofore created, in the construction of the Troy and Greenfield Railroad and the Hoosac Tunnel, the treasurer of the Commonwealth is hereby authorized and instructed to issue scrip, or certificates of debt, in the name, and on behalf of the Commonwealth, and under his signature, and the seal of the Commonwealth, to an amount not exceeding three millions of dollars.

Not to exceed \$3,000,000.

Scrip or certificates of debt may be made payable in gold in London.

SECTION 2. Such scrip or certificates of debt may be expressed in the currency of Great Britain, and be made payable, in gold, to the bearer thereof in London, in not less than twenty, nor more than thirty years from the date thereof, as shall be determined by the governor and council, and as shall be expressed on the face of the same, bearing interest at five per cent., per annum, payable semi-annually, in London, in gold, on the first day of April, and the first day of October, with warrants for such interest, signed by the treasurer, attached thereto; or if the governor and council

Rate of interest.

shall so elect, said scrip or certificates of debt, may be issued in federal currency, payable in Boston, in lawful money of the United States, at the expiration of twenty years from date, and redeemable at any time after five years from date, at the option of the Commonwealth, with interest thereon at the rate of six per cent., per annum, payable semi-annually, on the first day of April, and the first day of October, in lawful money of the United States, at the office of the treasurer of the Commonwealth. Said scrip, or certificates of debt, shall be issued as registered bonds, or with warrants for interest attached thereto, signed by the treasurer, as the governor and council may elect. All scrip, or certificates of debt, issued by authority of this act, shall bear date on the first day of April or October, which shall last precede the issue of the same, and shall be issued in such denominations, as the governor and council shall direct; and the same shall be countersigned by the governor of the Commonwealth for the time being, and shall be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof.

May be made payable in federal currency in Boston.

Scrip to be issued in registered bonds.

To bear date first day of April or October.

SECTION 3. Whatever premium shall be received, from the sale of any of the scrip, or certificates of debt, issued under the authority of this act, beyond the cost of preparing and negotiating the same, shall be added to, and constitute a part of the sinking fund, created by the provisions of the two hundred and twenty-sixth chapter of the acts of eighteen hundred and fifty-four; and the sinking fund thus constituted is hereby made applicable to the redemption of the scrip, or certificates of debt, heretofore issued in aid of the construction of said Troy and Greenfield Railroad and Hoosac Tunnel, including that issued for the purchase of the Southern Vermont Railroad, and of the scrip, or certificates of debt, which may be issued by authority of this act.

Premium on sales of scrip to be added to sinking fund.

SECTION 4. The governor and council are hereby authorized to take all necessary measures for the preparation of said scrip, or certificates of debt, and for the sale or negotiation thereof, with authority to expend such sums of money, as may be necessary to carry into effect the purposes of this act; and the amount of such expenditures is hereby appropriated therefor.

Governor and council to carry into effect the provisions of this act.

SECTION 5. So much of the acts heretofore passed, in relation to the Troy and Greenfield Railroad and the Hoosac Tunnel, as authorizes the issue of scrip, or certificates of debt, in aid of the construction of the same, beyond the amount already issued, is hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved March 11, 1868.

Chap. 52. AN ACT CONCERNING THE WATER COMMISSIONERS OF THE CITY OF NEW BEDFORD.*Be it enacted, &c., as follows :*

Water commis-
sioners of New
Bedford, elected
under a city ordi-
nance, to have
powers as provid-
ed in chapter 168,
1868.

SECTION 1. The water commissioners of the city of New Bedford, elected under an ordinance of said city, passed to be ordained November twenty-first, in the year one thousand eight hundred and sixty-seven, are hereby invested with the same powers and authority in relation to the water works of said city, and are made subject to the same duties and restrictions, as the commissioners provided for by an act of the legislature entitled "An Act for supplying the city of New Bedford with pure water," approved April eighteenth in the year one thousand eight hundred and sixty-three.

Acts made valid.

SECTION 2. The acts of the commissioners elected under said ordinance, which have been done since their election and prior to the passage of this act, shall have the same validity as if subsequent to the passage hereof.

*Approved March 11, 1868.***Chap. 53. AN ACT TO INCORPORATE THE LAWRENCE SAVINGS BANK.***Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Milton Bonney, William R. Spalding, F. E. Clarke, their associates and successors, are hereby made a corporation by the name of the Lawrence Savings Bank, to be located in the city of Lawrence; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are, or may hereafter be in force in this Commonwealth, relating to institutions for savings.

Powers and privi-
leges.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1868.***Chap. 54. AN ACT TO INCREASE THE CAPITAL STOCK OF THE UNION RAILWAY COMPANY.***Be it enacted, &c., as follows :*

Additional capi-
tal authorized.

SECTION 1. The Union Railway Company is hereby authorized to increase its capital stock until the same shall amount to three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1868.***Chap. 55. AN ACT TO INCORPORATE THE BOSTON CORN EXCHANGE.***Be it enacted, &c., as follows :*

Corporators.

SECTION 1. T. Albert Taylor, S. G. Bowdlear, E. W. Clap, their associates and successors, are hereby made a corporation by the name of the Boston Corn Exchange, for the purpose of promoting and increasing the facilities of trade in flour, grain and other produce in the city of

Purpose.

Boston and its vicinity; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or may hereafter be in force concerning such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Proviso.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1868.

AN ACT TO REPEAL THE TWO HUNDRED AND NINETY-THIRD CHAPTER OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR, CONCERNING THE RIGHTS OF RAILROAD CORPORATIONS TO TAKE LAND.

Chap. 56.

Be it enacted, &c., as follows:

SECTION 1. The two hundred and ninety-third chapter of the acts of the year one thousand eight hundred and sixty-four, is hereby repealed.

Chap. 298, 1864, repealed.

SECTION 2. This act shall not affect existing rights under forfeitures already incurred; and the time within which proceedings may be commenced upon claims or dues mentioned in the act hereby repealed, and not now barred, is hereby extended one year from the passage of this act.

Rights under forfeitures incurred not affected. Time extended for commencement of proceedings.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1868.

AN ACT TO INCORPORATE THE PROPRIETORS OF FOREST HILLS CEMETERY.

Chap. 57.

Be it enacted, &c., as follows:

SECTION 1. Alvah Kittredge, George Lewis, William C. Harding, proprietors of lots in Forest Hills Cemetery, their associates and successors, are hereby made a corporation by the name of The Proprietors of Forest Hills Cemetery; with all the powers and privileges, and subject to all the duties, liabilities and restrictions which now are or may hereafter be in force relating to such corporations, except as hereinafter is provided.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may purchase, acquire, receive and hold real estate in the town of West Roxbury, in the county of Norfolk, to the extent of three hundred acres; and said corporation may also hold personal estate to an amount not exceeding five hundred thousand dollars.

May hold real and personal estate in West Roxbury.

Owners of lots to be members.

SECTION 3. All persons now owning lots in said cemetery or who shall hereafter become proprietors of lots there shall be and become members of said corporation.

Officers of the corporation.

SECTION 4. The officers of said corporation shall consist of seven trustees, a treasurer and a secretary, and such other officers as they may direct. The same person may hold the offices of secretary and treasurer. The secretary shall be the clerk of the board of trustees. The five persons now

Commissioners under Act of 1848 to be the trustees.

commissioners of Forest Hills Cemetery under the provisions of an act passed in the year one thousand eight hundred and forty-eight, entitled "An Act relating to a public cemetery in the city of Roxbury," and the acts in addition thereto shall respectively be and remain trustees under this act until three years after the expiration of their respective terms of service under the aforesaid acts; and at the first annual meeting of said corporation, two additional trustees of said corporation shall be chosen, one of whom shall hold his office for one year from the time of his election, and the other shall hold his office for two years from the time of his election. All vacancies in said board of trustees shall be filled by elections by ballot. At the annual meeting in the year eighteen hundred and sixty-nine, one trustee shall be chosen, who shall hold his office for the term of seven years. And at every annual meeting thereafter one trustee shall be chosen, to hold his office for the term of seven years after his election. And the said trustees shall have the general management, care and superintendence of the property, expenditures, business and prudential affairs of said corporation, and of the sales of lots in said cemetery, and shall make a report of their doings to the corporation at its annual meeting. The treasurer shall give such bonds as the trustees may direct.

Trustees, how elected and vacancies filled.

Duties of trustees.

Vacancies, how filled.

In case of a vacancy in said board of trustees by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another trustee, who shall hold his office for the residue of the term for which such member, so deceased, resigned or removed, would have held the same. And such election may be made at any annual or special meeting of said corporation. Said trustees shall not receive any compensation for their services as such trustees.

No compensation for services.

Boston to convey all right in the property to this corporation.

SECTION 5. The city of Boston is hereby authorized and required to transfer and convey immediately after the organization of this corporation to said corporation, all the right, title and interest in the lands which have been purchased for the said cemetery, and in and to all other estate, property, and things purchased or otherwise obtained and acquired for

said cemetery, which said city acquired under and by virtue of the provisions of an act entitled "An Act uniting the cities of Boston and Roxbury," passed in the year eighteen hundred and sixty-seven, and any moneys standing to the credit of said cemetery upon the books of the treasurer of the city of Roxbury, at the time when the act of annexation above mentioned took effect, and all other interests, moneys and rights relating to said cemetery, which said city acquired under said act. And said corporation shall hold the said property and estate for the same uses and purposes, and charged with the same duties and liabilities, for and subject to which the same were formerly held by the city of Roxbury, and are now held by the city of Boston, and all rights which any persons have acquired in said cemetery shall remain to the same extent as if this act had not been passed.

Property to be held for same uses as formerly held by Roxbury.

SECTION 6. The annual meetings of said corporation shall be held on the fourth Monday of March in each year, at such place in the city of Boston as the trustees shall direct, and notices thereof, signed by the secretary, shall be published in two or more of the newspapers printed in Boston, at least seven days before the meeting; special meetings may be called by order of the trustees in the same manner. At all meetings of said corporation a quorum for business shall consist of not less than fifteen persons, and any business may be transacted, of which notice shall be given in the advertisements for the meeting, and all questions shall be decided by a majority of the members present and represented, and voting either in person or by proxy.

Annual meetings fourth Monday of March, in Boston.

Special meetings.

Quorum.

SECTION 7. As soon as said city of Boston shall have made the conveyance and transfer of said property as aforesaid, said corporation shall succeed to all the rights, powers and privileges, and be subject to all the duties, obligations and liabilities in respect to the same, which said city of Boston had or was liable to before such conveyance, and the trustees herein provided for shall have all the rights, powers, authorities, trusts, immunities and privileges which the said commissioners under the said act, entitled "An Act relating to a public cemetery in the city of Roxbury," and the acts in addition thereto had, and after such conveyance the last-named commissioners shall cease to have any power or authority under the said act, but shall have and hold their power and authority under this act. And said trustees shall have the authority to grant and convey to any person or persons by deeds duly executed the sole and exclusive rights of burial and of erecting tombs, cenotaphs and other monuments in any of the designated lots or subdivisions of said

Corporation to succeed to all powers and duties as soon as property is conveyed by Boston.

Trustees may convey exclusive rights of burial and of erecting tombs.

May prescribe rules how proprietors may exercise their rights.

Purposes for which grants or bequests of property in trust may be applied.

How to be invested.

cemetery, upon such terms and conditions as they by their rules and regulations shall from time to time prescribe ; and said trustees may from time to time make such rules and regulations in regard to the mode and manner in which the proprietors shall exercise the rights granted to them in their respective lots or subdivisions of land in said cemetery as to them shall seem fit, the same not being inconsistent with this act or the laws of this Commonwealth, and such rules and regulations shall be binding upon all proprietors in the same.

SECTION 8. Said board of trustees are hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery, or for the erection, repair, preservation or renewal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form, consistent with the purposes for which said cemetery is established, according to the terms of such grant, donation or bequest ; and whenever any such grant, donation or bequest, or any deposit of any money shall be made by the proprietor of any lot in said cemetery, for the annual repair, preservation or embellishment of such lot and the erections thereon, the said trustees may give to such proprietor or his representative, an agreement or obligation in such form and upon such conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for any such period as may be agreed on. And any sums of money so received by said trustees shall be by them invested in United States stocks, or the bonds of any of the New England states, or bonds of cities or towns in the New England states, or mortgages of real estate ; and all such property received under the provisions of this act, (unless other provision is made by the terms of any such grant, donation or bequest,) shall be under the direction of said board of trustees, and the income of such fund or funds shall be appropriated by said board of trustees, in such manner as shall, in their opinion, best promote the purposes for which said grants, donations, bequests or deposits are made ; but said board of trustees shall not be liable to make any renewal or reconstruction of any monument or other erection on any lot in said cemetery, unless such liability shall be expressed in the agreement given by them as aforesaid, or in the terms and conditions under which they accept any grant, donation or bequest.

SECTION 9. All personal property now belonging to the said cemetery, and the proceeds of all sales of lots in lands now held, or hereafter to be acquired by said cemetery, shall be forever devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery, and the incidental expenses thereof, and to no other purpose.

Personal property and proceeds of sales of lots, how to be used.

SECTION 10. This act shall take effect upon its passage so far as to authorize the commissioners to call the meeting hereafter mentioned, and for the proprietors to act upon the acceptance of the same; and it shall take full effect whenever the proprietors of lots in said cemetery shall, within sixty days after the passage of this act, accept the same at a meeting of such proprietors to be held at such time and place as shall be designated by the commissioners of Forest Hills Cemetery, who shall be in office at the time of the passage of this act. Said meeting shall be called by the said commissioners, to be held at some suitable place within the city of Boston, by publishing notices of the time, place and purpose thereof, two successive weeks in at least three newspapers published in said city, the last of which publications shall be at least seven days before said meeting.

When and how Act takes effect.

SECTION 11. If this act shall be accepted at the meeting of said proprietors mentioned in the preceding section, by the votes of the majority of said proprietors, present or represented at said meeting, voting in person or by proxy, the meeting for the organization of said corporation, and the annual meeting of said corporation for the present year, shall be held at the same place, and on the same day, with the said meeting mentioned in the preceding section, and immediately after the acceptance of this act, and such notice of the said meeting for organizing said corporation, and of said annual meeting, shall be given by said commissioners as they shall deem expedient; and the trustees elected at such annual meeting shall hold their offices, one for one year, and one for two years, from the fourth Monday of March of the present year.

If Act is accepted, the first annual meeting shall be held at the same place, immediately after corporation is organized.

Notice of meeting for organization and of annual meeting.

Terms of office of trustees.

Approved March 12, 1868.

AN ACT TO CONFIRM THE SALE OF THE ROCKPORT RAILROAD TO THE EASTERN RAILROAD COMPANY.

Chap. 58.

Be it enacted, &c., as follows:

SECTION 1. The sale of the Rockport Railroad, with its franchise and property, in pursuance of the fifth section of the thirty-second chapter of the acts of the year eighteen hundred and sixty, to the Eastern Railroad Company, is hereby ratified and confirmed; and the said Eastern Rail-

Sale confirmed.

Increase of capital authorized.

road Company is hereby authorized to increase its capital stock beyond the amount heretofore authorized, by an amount equal to the capital stock which said Rockport Railroad Company was authorized to issue by the third section of the aforesaid act.

Shares.

SECTION 2. Said stock shall be issued in shares of one hundred dollars each, and at not less than the par value thereof.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1868.

Chap. 59.

AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

Be it enacted, &c., as follows :

Appropriation from the school fund.

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year eighteen hundred and sixty-eight, to wit :

Normal schools.

For the support of the four state normal schools for the present year, the sum of thirty-five thousand dollars.

Teachers' institutes.

For teachers' institutes, the sum of three thousand dollars.

Pupils in normal schools.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars.

State scholarships.

For the support of state scholarships, a sum not exceeding five hundred dollars.

School building at Framingham.

For an addition to the normal school building at Framingham and furnishing the rooms therein, a sum not exceeding two thousand five hundred dollars.

Natural history cabinet at Westfield.

For additional cases in the cabinet of natural history, in the normal school building at Westfield, the sum of two hundred and fifty dollars ; said sum, and the sums above named, to be expended under the direction of the board of education.

Incidental expenses, board of education.

For postage, printing, advertising, stationery, the transportation of documents for the board of education, and for the secretary thereof, and also for any contingent expenses of the normal schools not otherwise provided for, the sum of eleven thousand five hundred dollars.

Expenses of board of education.

For the expenses of the members of the board of education, a sum not exceeding five hundred dollars.

Mass. teachers' association.

For the Massachusetts teachers' association, the sum of eight hundred dollars, on condition that said association shall furnish a copy of the "Massachusetts Teacher" to each school committee in the several towns and cities in the Commonwealth, during the year eighteen hundred and sixty-

eight, and furnish satisfactory evidence thereof to the auditor.

For the American institute of instruction, the sum of five hundred dollars, to be paid to the president of said institute in the month of August next. American institute of instruction.

For county teachers' associations, the sum of three hundred and twenty-five dollars. County teachers' associations.

For the support of certain Indian schools, the sum of four hundred and five dollars. Indian schools.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1868.

AN ACT TO INCORPORATE THE OAK BLUFFS LAND AND WHARF COMPANY. *Chap. 60.*

Be it enacted, &c., as follows :

SECTION 1. Ira Darrow and Shubael L. Norton, their associates and successors, are hereby made a corporation by the name of the Oak Bluffs Land and Wharf Company, for the purpose of holding, improving and disposing of land and a wharf situated in the town of Edgartown, now held by the said Darrow and Norton, as trustees; and said corporation may purchase, hold, improve and dispose of such other lands adjacent to the lands aforesaid as may by said company be deemed advisable: *provided, however,* that said company shall not hold more than three hundred acres of land; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which now are, or may hereafter be in force and applicable to such corporations. Corporators. Name. Provide. Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, the same to be divided into shares of one hundred dollars each; and no share in said capital stock shall be issued for a less sum or amount to be paid in on each, than the par value of the shares first issued. Capital stock. Shares.

Approved March 14, 1868.

AN ACT TO CHANGE THE NAME OF THE SAVINGS INSTITUTION IN THE TOWN OF CAMBRIDGE. *Chap. 61.*

Be it enacted, &c., as follows :

SECTION 1. The Savings Institution in the town of Cambridge, organized under an act approved the second day of April, in the year one thousand eight hundred and thirty-four, shall be called and known as the Cambridge Savings Bank. Name changed to Cambridge Savings Bank.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1868.

Chap. 62. AN ACT TO INCORPORATE THE WEBSTER FIVE CENTS SAVINGS BANK IN THE TOWN OF WEBSTER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. R. O. Storrs, William S. Slater, F. D. Brown, their associates and successors, are hereby made a corporation by the name of the Webster Five Cents Savings Bank, to be established in the town of Webster, and located in the Depot Village; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the fifty-seventh chapter of the General Statutes, and in all other general laws which now are or may hereafter be in force relating to institutions for savings.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1868.

Chap. 63. AN ACT TO INCORPORATE THE SPRINGFIELD STREET RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. G. M. Atwater, C. L. Covell, Ethan S. Chapin, their associates and successors, are hereby made a corporation by the name of the Springfield Street Railway Company, with power to construct, maintain and use a street railway from some convenient point or points on Main Street, in the northerly part of the city of Springfield, to some convenient point or points in the southerly part of said city; and also with power to construct, maintain and use a street railway from some convenient point or points in the city of Springfield to some convenient point or points in the town of Chicopee; and also with power to construct, maintain and use a street railway from some convenient point or points in the city of Springfield to some convenient point or points in the town of Longmeadow; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, except as hereinafter provided, set forth in all general laws which are now or may hereafter be in force relating to street railroads.

Street railway in Springfield, Chicopee and Longmeadow.

Repairs of streets and bridges in Springfield.

SECTION 2. Said corporation shall maintain and keep in repair such portion of the streets, roads and bridges as are occupied by the track, and three feet on each side thereof, not including any portion of any sidewalk, to the satisfaction of the superintendent of streets of said Springfield.

Rails used to be approved by aldermen of Springfield.

SECTION 3. Said corporation shall use, in the construction and maintenance of said road, such rail or rails as the board of aldermen of said city may prescribe; and this act shall be void unless the same shall be accepted by the city council of the city of Springfield within six months, and

Act void, unless &c.

unless at least one mile of said road is located, built and put in operation within two years from the passage of this act.

SECTION 4. At any time within five years after the completion of said road, the said city of Springfield may purchase said road and all its property and franchise by paying to the then holders of the stock the amounts which have actually been paid in on such stock, with ten per cent., annual interest, deducting therefrom all dividends made and net profits undivided.

Springfield may purchase road upon certain conditions.

SECTION 5. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 6. This act shall take effect upon its passage.

Approved March 16, 1868.

AN ACT TO INCORPORATE THE NEW ENGLAND AGRICULTURAL SOCIETY.

Chap. 64.

Be it enacted, &c., as follows:

SECTION 1. George B. Loring, Daniel Needham, Solomon H. Howe, their associates and successors, are hereby made a corporation by the name of the New England Agricultural Society, and established in the city of Boston, for the encouragement of agriculture, horticulture and the mechanic arts by premiums and other means; with all the privileges and powers, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in relation to such corporations.

Corporators.

Powers and duties.

SECTION 2. Said corporation shall never be entitled or allowed to receive any bounty from the treasury of the Commonwealth.

No bounty from the State.

SECTION 3. Said corporation may hold real and personal property to the amount of one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

Real and personal property.

SECTION 4. This act shall take effect upon its passage.

Approved March 16, 1868.

AN ACT TO AUTHORIZE THE SOUTH BOSTON SAVINGS BANK TO HOLD REAL ESTATE.

Chap. 65.

Be it enacted, &c., as follows:

SECTION 1. The South Boston Savings Bank is hereby authorized to hold real estate to an amount not exceeding twenty-five thousand dollars, to be invested in the purchase of a suitable building, to be used for banking purposes, or in the purchase of a site and the erection of a suitable building for the same purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May invest \$25,000 in a banking house.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1868.

Chap. 66. AN ACT CONFIRMING THE PROCEEDINGS OF THE CAPE COD CENTRAL RAILROAD COMPANY, IN MORTGAGING THEIR RAILROAD AND PROPERTY.

Be it enacted, &c., as follows:

Mortgage to trustees of bondholders ratified and confirmed.

The proceedings of the Cape Cod Central Railroad Company, whereby they conveyed, on the eleventh day of January, in the year one thousand eight hundred and sixty-six, their railroad and property in mortgage to Joseph Nickerson and Nathan F. Sears, trustees of the bondholders in said mortgage mentioned, to secure the holders of said bonds the payment of the same, are hereby ratified and confirmed.

Approved March 16, 1868.

Chap. 67. AN ACT TO AUTHORIZE THE SCHOOL COMMITTEES OF ADAMS AND WILLIAMSTOWN TO ESTABLISH A UNION GRADED SCHOOL IN THE VILLAGE OF BLACKINTON.

Be it enacted, &c., as follows:

School authorized.

SECTION 1. The school committees of the towns of Adams and Williamstown are hereby authorized and empowered to establish a union graded school for the accommodation of such portions of the two towns as are comprised in the village of Blackinton and its immediate vicinity, and to define the limits of the districts of territory from which pupils may attend said school.

School-house to be built.

SECTION 2. The school committees shall procure a suitable lot of land in said village, and erect thereon and furnish a suitable school-house, with the needful fences and out-buildings; and in case the lot of land selected by the committees cannot be obtained by purchase, then they may take possession thereof in the same manner that the selectmen of towns are authorized to do by the thirty-eighth and thirty-ninth sections of the thirty-eighth chapter of the General Statutes. The cost of the land and buildings, with the appurtenances of the same, and all repairs and renewals thereof, shall be borne jointly by said towns, in proportion to their respective polls and estates within the district defined, as above provided; and said towns shall be joint owners of the school property in the proportion of their respective contributions.

Cost of land and buildings to be borne jointly by the two towns.

How supported and maintained.

SECTION 3. In the support and maintenance of said school, and in all incidental expenses attending the same, except as herein before provided, the proportions to be paid by each town, unless otherwise agreed upon, shall be according to the number of children of each in the district, between the ages of five and fifteen, to be defined as above provided.

School committee, how elected.

SECTION 4. The school committees of the two towns shall elect two of their number—one from each of their

respective boards—and the two so elected, shall form the committee for the management and control of such school, when established, with all the powers conferred upon school committees.

SECTION 5. This act shall take effect whenever each of the above named towns shall, at a legal meeting called for the purpose, assent to the same. When to take effect.

Approved March 16, 1868.

AN ACT RELATING TO A PUBLIC CEMETERY IN THE TOWN OF DORCHESTER.

Chap. 68.

Be it enacted, &c., as follows:

SECTION 1. The town of Dorchester is hereby authorized to elect by ballot, at a town meeting duly called, a board of five commissioners, who shall have the sole care, superintendence and management of the cemetery situated in said town, between Adams Street and Neponset River, one member of which board shall be elected for the term of five years, one for four years, one for three years, one for two years, and one for one year; said terms to expire with the end of the municipal or official year. Said board may be organized by the choice of a chairman and clerk from their number, and a major part of the board shall be a quorum for the exercise of the powers of said office. In case of a vacancy occurring in the board, by death, non-acceptance, disability, resignation or removal, during any municipal or official year, the remaining members shall notify the board of selectmen of Dorchester, in writing, thereof, and of the time and place appointed for a meeting of the two boards for the purpose of filling such vacancy, at least two weeks before the time appointed for said meeting; and, in pursuance of such notice, said two boards shall proceed to fill such vacancy until the end of the then current or official year, by electing, upon joint ballot, a suitable person thereto; and at each successive annual election of town officers after the year one thousand eight hundred and sixty-eight, said town shall elect by ballot, a suitable person or persons to serve on said board for the remainder of any unexpired term or terms, and for such full term of five years as shall expire before the next annual election. Commissioners of cemetery.

SECTION 2. Said board of commissioners shall set apart a portion of said cemetery, as a public burial place for the use of the inhabitants of the town of Dorchester, free of charge therefor; and they may lay out said cemetery in suitable lots or other subdivisions, with necessary paths and avenues; may plant, embellish and ornament the same; may inclose and divide the same with proper fences, and Board, how elected and organized.

Vacancies, how filled.

Portion of cemetery to be set apart for public burial place.

Commissioners may make rules and regulations.

erect such suitable edifices, appendages and conveniences as they shall, from time to time, deem convenient; and may make all such by-laws, rules and regulations in the execution of their trust, not inconsistent with the laws of the Commonwealth, as they may deem expedient.

May convey; by deed, rights of burial and of erecting tombs, &c.

SECTION 3. Said board of commissioners shall have authority to grant and convey to any person, by deed executed in such manner and form as they may prescribe, the sole and exclusive right of burial, and of erecting tombs, cenotaphs and other monuments, upon such terms and conditions as they shall by rules and regulations prescribe.

Proceeds of sales to be used for improvement of cemetery.

SECTION 4. The proceeds of sales of lots or rights of burial in said cemetery shall be paid into the town treasury of Dorchester, be kept separate from its other funds, and be devoted to the improvement and embellishment of the cemetery as aforesaid, subject to the order of the board of commissioners.

Commissioners may hold in trust property for embellishment of cemetery.

SECTION 5. Said commissioners are authorized to take and hold any appropriation, grant, donation or bequest upon trust, to apply the same, or the income thereof, for the improvement or embellishment of said cemetery, or for the erection, repair, preservation or renewal of any monument, fence or other erection therein, or for the care, improvement or embellishment of any lot, or its appurtenances, in any manner or form consistent with the purposes for which said cemetery is established, according to the terms of such appropriation, grant, donation or bequest; and may, by an agreement or obligation, bind themselves and their successors so to apply the same.

Trust funds, &c., how to be invested and appropriated.

SECTION 6. Any sums of money so received by said commissioners, shall be invested by the town treasurer of Dorchester, under the direction of said commissioners, and all the same, and all property so received, shall ever be kept separate from any other moneys or property belonging to said town, and the income of the same shall be received by its treasurer, be subject to the order of said commissioners, and be appropriated by them in such manner as shall, in their opinion, best promote the purposes for which such appropriation, grant, donation or bequest is made; and the town shall be responsible for the good faith of its treasurer and of said commissioners.

Limitation of indebtedness.

SECTION 7. Said commissioners shall not incur debts or liabilities for purposes other than as aforesaid; nor to an amount exceeding the amount of the funds subject to their order as aforesaid; and they shall annually, in the month of February, make and render a report in writing of all their acts and doings, of the condition of said cemetery, an

Commissioners to make annual report.

account of their receipts and expenditures for the same, and of the funds subject to their order.

SECTION 8. The lands purchased and set apart, and the lands which may be hereafter purchased and set apart, by the town of Dorchester, for the purpose of said cemetery, shall be exempt from all public taxes so long as the same shall be dedicated for such purpose. Cemetery lands to be exempt from taxes.

SECTION 9. This act shall be void unless accepted by a vote of said town, at a meeting duly called, within four months from its passage. Act void unless accepted by town

SECTION 10. This act shall take effect upon its passage.

Approved March 16, 1868.

AN ACT CONCERNING WITNESSES FOR THE COMMONWEALTH IN CRIMINAL CASES.

Chap. 69.

Be it enacted, &c., as follows :

Any justice of any court of record may, at any time, during a term of such court or in vacation, order a witness for the Commonwealth in any criminal case pending in such court, to recognize, either with or without sureties, to appear and testify at the next or any succeeding term of said court, and may issue a warrant to bring such witness before him to recognize as aforesaid. Witness may be ordered to recognize to appear and testify.

Approved March 16, 1868.

Warrant.

AN ACT REPEALING AN ACT, ENTITLED "AN ACT CONCERNING THE CHALLENGING OF JURORS."

Chap. 70.

Be it enacted, &c., as follows :

SECTION 1. Chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-seven is hereby repealed. Chap. 254, 1867, repealed.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1868.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE INVESTMENTS AND SECURITIES OF THE COMMONWEALTH.

Chap. 71.

Be it enacted, &c., as follows :

SECTION 1. The treasurer and receiver-general, with the approval of the governor and council, instead of selling any of the stocks or securities belonging to funds over which the Commonwealth has exclusive control, to meet maturing liabilities, may transfer the same to any other of such funds, upon such terms and conditions as the governor and council may approve. Securities belonging to funds which the State controls may be transferred.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1868.

Chap. 72. AN ACT IN ADDITION TO AN "ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER."

Be it enacted, &c., as follows:

City may issue \$500,000 additional scrip or bonds, to be called "City of Salem Water Loan."

SECTION 1. In addition to the amount of scrip, bonds and certificates of debt authorized to be issued by the twelfth section of the act entitled "An Act for supplying the City of Salem with Pure Water," passed on the thirteenth day of May, in the year one thousand eight hundred and sixty-four, being chapter two hundred and sixty-eight of the acts of that year, the city council of the city of Salem are hereby authorized to issue, from time to time, scrip, bonds or certificates of debt to be denominated "City of Salem Water Loan," to an amount not exceeding in the whole of such addition, five hundred thousand dollars, for the purposes mentioned in said section; the same to bear interest, payable semi-annually, at a rate not exceeding six per cent. per annum, and the principal to be payable at periods not more than fifty years from the time of issuing said scrip, bonds or certificates of debt, respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid.

Rate of interest.

Commissioners to be appointed.

SECTION 2. Three commissioners shall be appointed by said city council, by joint ballot of both branches thereof, whose term of office shall commence at the expiration of the term of office of the present commissioners, and who shall have the same powers, and be under the same restrictions, as are specified in the seventh section of said act. They shall hold office for the term of two years next after their appointment, unless the water works provided for by said act are sooner completed; and in case of a vacancy in said board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of said term, with the powers and under the restrictions aforesaid.

Term of office.

Vacancies, how filled.

Salaries.

SECTION 3. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance, respectively, in said office.

Upon expiration of office, city to exercise powers and appoint agents.

SECTION 4. Whenever the office of said commissioners shall cease, either by the expiration of said term of two years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authority given to the city of Salem by the said act of the year one thousand eight hundred and sixty-four, shall be exercised by said city,

subject to all duties, liabilities and restrictions therein contained, in such manner and by such agents, officers, and servants as the city council shall, from time to time ordain, appoint and direct.

SECTION 5. Section nine of said act is hereby repealed. *Repeal.*

SECTION 6. This act shall take effect upon its passage.

Approved March 19, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE PROPRIETORS OF THE TREMONT MILLS. *Chap. 73.*

Be it enacted, &c., as follows :

SECTION 1. The proprietors of the Tremont Mills are hereby authorized to increase their capital stock by adding thereto six hundred shares. *Increase of capital authorized.*

SECTION 2. Before any sale of the new shares authorized to be issued by this act, the directors of said corporation shall give notice in writing of such authorized increase to the stockholders, and within thirty days after such notice, the stockholders may take, at four hundred and fifty dollars per share, their proportion of such increased shares according to the number of shares in such capital stock owned by them severally at the date of such increase. And if any shares then remain unsold, the said corporation may dispose of them at not less than four hundred and fifty dollars per share. *How new shares may be disposed of.*

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE SUFFOLK MANUFACTURING COMPANY. *Chap. 74.*

Be it enacted, &c., as follows :

SECTION 1. The Suffolk Manufacturing Company is hereby authorized to increase its capital stock by adding thereto six hundred shares. *Increase of capital authorized.*

SECTION 2. Before any sale of the new shares authorized to be issued by this act, the directors of said corporation shall give notice in writing of such authorized increase to the stockholders, and within thirty days after such notice, the stockholders may take, at four hundred and fifty dollars per share, their proportion of such increased shares, according to the number of shares in such capital stock owned by them severally, at the date of such increase. And if any shares then remain unsold, the said corporation may dispose of them at not less than four hundred and fifty dollars per share. *How new shares may be disposed of.*

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1868.

Chap. 75. AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING THE STREETS OF THE SEVERAL CITIES.*Be it enacted, &c., as follows :*

Provisions of chapter 174, Acts of 1866, concerning laying out and altering streets in Boston extended to other cities.

Proviso.

When to take effect.

SECTION 1. The provisions of chapter one hundred seventy-four of the acts of the year eighteen hundred sixty-six, entitled "An Act concerning the laying out, altering, widening and improving the Streets of Boston," are extended and made applicable to any and all the cities of the Commonwealth: *provided*, that in any city, where the power to lay out and alter the streets in such city is vested in any other board or persons than the board of aldermen, such other board or persons shall have the same power and authority as the board of aldermen of the city of Boston.

SECTION 2. This act shall take effect in any city where the same is accepted by the city council of such city by a two-thirds vote of each branch thereof.

Approved March 20, 1868.

Chap. 76. AN ACT TO CHANGE THE NAME OF THE MASSACHUSETTS POWDER WORKS.*Be it enacted, &c., as follows :*

American Powder Company.

SECTION 1. The Massachusetts Powder Works shall hereafter be known as the American Powder Company.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1868.

Chap. 77. AN ACT TO INCORPORATE THE WORCESTER SAFE DEPOSIT COMPANY.*Be it enacted, &c., as follows :*

Corporators.

Name.

Purpose.

SECTION 1. Calvin Foster, George Crompton, William Cross, their associates and successors, are hereby incorporated by the name of the Worcester Safe Deposit Company, for the purpose of receiving on deposit for safe keeping, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, and other property of every kind, and, at the written request of the depositor, collecting and disbursing the interest or income upon such said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income, when it becomes due, upon terms to be prescribed by the corporation; with all the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all general laws which now are or hereafter may be in force relating to such corporations.

Provisions of G. S. 57, §§ 72-77 to apply.

SECTION 2. The seventy-third, seventy-fourth, seventy-fifth, seventy-sixth and seventy-seventh sections of the fifty-seventh

chapter of the General Statutes, shall apply to and be in force against this company, in the same manner and to the same extent as they apply to and are in force against banks; and sections thirteen, fourteen, seventeen, nineteen, twenty, twenty-one, twenty-seven, twenty-eight and twenty-nine of the fifty-eighth chapter of the General Statutes shall apply to and be in force against this company, in the same manner and to the same extent as they apply to and are in force against insurance companies.

G. S. 58, §§ 12-29 to apply.

SECTION 3. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege to increase the same to five hundred thousand dollars; and said capital stock shall be invested in the manner provided by law for investing the capital stock of insurance companies.

Capital stock.

How to be invested.

SECTION 4. The company shall not go into operation until one-half of its capital stock has been paid in in cash, and a certificate from the insurance commissioner has been obtained, authorizing the company to go into operation, and said commissioner shall make the examination in the same manner as he is now required to do in the case of insurance companies by section thirty of chapter fifty-eight of the General Statutes, upon payment into the treasury of any fees which are or may be prescribed to be paid by insurance companies in similar cases.

When company to go into operation.

SECTION 5. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value one hundred thousand dollars.

Real estate, \$100,000.

SECTION 6. Said corporation shall give to every depositor at the time of his first deposit, a certificate setting forth in clear and unambiguous terms, what obligation said corporation assumes.

Certificate showing obligation to be given to depositor.

SECTION 7. This act shall take effect upon its passage.

Approved March 20, 1868.

AN ACT TO AUTHORIZE THE TOWN OF HADLEY TO TAKE STOCK IN THE NORTHAMPTON, HADLEY AND AMHERST STREET RAILWAY COMPANY.

Chap. 78.

Be it enacted, &c., as follows:

SECTION 1. The town of Hadley is hereby authorized to subscribe for and hold shares in the capital stock of the Northampton, Hadley and Amherst Street Railway Company, to an amount not exceeding six thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Hadley may take stock in street railway company not exceeding \$6,000.

May raise money to pay subscriptions and interest.

SECTION 2. The said town of Hadley is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock, and interest thereon.

May appoint committee to take stock and vote for directors.

SECTION 3. The said town of Hadley may appoint a committee, who shall subscribe, in behalf of the town, for such number of shares in the capital stock of said company, as shall be voted by said town; and said committee are hereby authorized to cast the vote of said town in the choice of directors of said road, at the first meeting of the stockholders thereof, called for that purpose; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

When and how to take effect.

SECTION 4. The authority granted in the first section of this act shall not vest in said town, unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make such subscription; and the said vote shall be expressed by a written or printed ballot of yea or nay, and the check list shall be used as in the election of town officers.

Approved March 20, 1868.

Chap. 79. AN ACT TO ANNEX A PART OF THE TOWN OF BOLTON TO THE TOWN OF HUDSON.

Be it enacted, &c., as follows:

Boundary line changed between Bolton and Hudson.

SECTION 1. The boundary line between the town of Bolton in the county of Worcester, and the town of Hudson in the county of Middlesex, is hereby altered and established as follows, to wit:—Beginning at a stone monument on the present boundary line between the counties of Worcester and Middlesex, at the south-westerly corner of the town of Stow and at the northerly corner of the town of Hudson, thence running south eighty-six degrees west four hundred thirty-eight and twenty-one hundredths rods to a stone monument at an angle; thence south sixty-six and one-half degrees west, three hundred and forty-six rods to the present dividing line between the said town of Bolton and the town of Berlin in the county of Worcester; thence south fifty and one-fourth degrees east four hundred and forty-seven rods along the said dividing line between Bolton and Berlin to the present line of the town of Hudson; and all that portion of land with the inhabitants thereon, easterly and south-easterly of the line hereby established, is hereby set off from said town of Bolton and annexed to and made a part of said town of Hudson in the county of Middlesex; and the line between the aforesaid termini, separating said

counties of Worcester and Middlesex, is hereby altered and established as herein specified: *provided, however*, that the several courts, civil and criminal, in and for said county of Worcester, shall have full authority to hear, determine, render judgment, issue execution, enforce and complete all suits, processes and matters arising on the territory so transferred, pending before any of said courts at the time this act shall take effect, as if this act had not been passed; and all crimes committed on said territory before the passage of this act, in which proceedings have not been commenced at the time of its passage, shall be prosecuted and punished in said county of Worcester, in the same manner as if this act had not been passed.

Proceedings in civil and criminal courts not to be affected.

SECTION 2. The selectmen of said town of Hudson shall procure, at the expense of said town, and cause to be erected at the points where the line, as herein altered and established between said town of Bolton in the county of Worcester and said town of Hudson in the county of Middlesex, crosses the several roads or highways, and also at the angles in said dividing line, good and sufficient stone monuments, lettered as the law provides; and said selectmen shall also cause suitable monuments to be maintained and continued, showing the line between said town of Bolton and said town of Hudson, as they have hitherto existed, and shall cause said line to be perambulated in like manner and with the like penalties for neglect, as now by law is or are provided in respect to the boundary lines of cities and towns, until the next apportionment of senators and representatives in pursuance of the twenty-first and twenty-second articles of amendment of the constitution; such penalties to be recovered against the said town of Hudson.

Hudson to erect stone monuments showing the dividing line between the towns.

SECTION 3. The said territory hereby transferred to said town of Hudson, with the inhabitants thereon, shall, for the purpose of electing senators, continue to be and remain a part of the said town of Bolton; and all the inhabitants residing upon the territory so transferred, shall, until otherwise provided for, by and under the constitution, always enjoy in relation to the election of senators, all the rights and privileges of, and in relation to voting in the said town of Bolton, which they would have possessed if this act had not been passed. And the said territory, hereby transferred to said town of Hudson, with the inhabitants thereon, shall also remain part of said town of Bolton for the purpose of electing the representatives to the general court to which the district of which said town of Bolton forms a part is entitled, and for the purpose of electing state and county

For election of senators and representatives to remain part of Bolton.

County, State and U. S. officers.

Selectmen of Hudson to make and post list of voters, and deliver copy to Bolton.

Selectmen of Bolton to revise list.

Inhabitants annexed to Hudson to be held for taxes due.

Apportionment of State and county taxes.

Support of paupers.

officers, representative to congress and electors of president and vice-president of the United States, as said town of Bolton shall vote for the said officers, until the next decennial census, or until another apportionment be made in pursuance of the provisions of the constitution; and the selectmen of said town of Hudson shall make a true list of all persons within the limits of that part of Bolton, hereby annexed to said town of Hudson, qualified to vote at any such election, and shall post up the same in said town of Hudson, and shall correct the same as required by law, and keep said list so posted up in said town of Hudson until ten days prior to any election in which said list is required to be used, and shall then deliver a true copy of said list to the selectmen of said town of Bolton seven days at least before such election. And the selectmen of the said town of Bolton shall, after receiving said list, post up, revise and correct the same in the same manner as they revise the list of the voters of said town, and shall use said list at said elections with the general list of the voters of said town.

SECTION 4. The inhabitants of said territory, hereby annexed to said town of Hudson, shall be holden to pay all arrears of taxes which have been legally assessed upon them by said town of Bolton, and all taxes, heretofore assessed and not collected, shall be collected and paid to the treasurer of the town of Bolton, in the same manner as if this act had not been passed. The said town of Hudson shall pay to said town of Bolton, annually, in the month of November, one-fourth part of all state and county taxes that may be assessed in said year upon said town of Bolton previous to the next state valuation, and if the same are not paid in the said month of November in any year, the said town of Bolton may maintain an action therefor against the said town of Hudson.

SECTION 5. Said town of Hudson shall be liable for the support of all persons who now do, or shall hereafter stand in need of relief, as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within the limits of that part of said town of Bolton hereby annexed to said town of Hudson; and the said town of Hudson shall also pay to the said town of Bolton, from time to time, as the expenses may be incurred by the said town of Bolton, one-fourth part of all moneys, expended by the said town of Bolton for the support or relief of any pauper or paupers who have gained a settlement in the said town of Bolton under and by virtue of the provisions of chapter two hundred and thirty of the acts of the year one thousand

eight hundred and sixty-five, and all acts now passed or that may hereafter be passed in addition or supplementary thereto: and if the said town of Hudson shall, upon the demand of the said town of Bolton therefor, refuse or for the space of ten days neglect to pay the same, the said town of Bolton may maintain an action therefor against the said town of Hudson.

SECTION 6. The said town of Hudson shall pay to the said town of Bolton, within three months from the passage of this act, the sum of ten thousand dollars, with interest thereon, from the twentieth day of February, in the year eighteen hundred and sixty-eight.

Hudson to pay Bolton \$10,000.

SECTION 7. The said town of Bolton shall convey to the said town of Hudson, upon request of said town, by a good and sufficient deed, the lot of land with the school-house thereon, belonging to said town of Bolton, and the appurtenances thereto belonging, situated within the annexed territory; and the said town of Hudson shall receive no other part of the corporate property, and shall not be liable to pay any part of the debt of the said town of Bolton.

Bolton to convey school-house to Hudson.

Hudson not liable for town debt.

SECTION 8. The said town of Hudson may assess upon its inhabitants, from time to time, such sums of money as the said town shall pay to the said town of Bolton, under the provisions of this act.

Hudson may assess inhabitants to pay Bolton.

SECTION 9. This act shall take effect upon its passage.

Approved March 20, 1868.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPDEN TO CONSTRUCT TWO DIKES IN THE TOWN OF WEST SPRINGFIELD.

Chap. 80.

Be it enacted, &c., as follows:

SECTION 1. The county commissioners for the county of Hampden, are hereby authorized and directed to locate and cause to be constructed, in the town of West Springfield, two dikes, to wit: one on the south side of the highway between the toll-bridge and the Agawam bridge, and the other on or near the bank of the Connecticut River, between the bridge of the Boston and Albany Railroad Company and the common, for the purpose of protecting highways and private property from damage in times of freshet.

Hampden County commissioners to construct dikes in West Springfield.

SECTION 2. Before proceeding to locate the dikes, the commissioners shall cause to be published, for two successive weeks, in the newspaper having the largest circulation in the county of Hampden, a notice of the time and place at which they will meet to fix and determine the location of the dikes, and hear all parties interested in relation to the same. A description of the location of the dikes shall be recorded in

To give public notice and hear all parties interested.

Description of location to be recorded.

the office of the town clerk of West Springfield, within twenty days after such determination.

Lands on which dikes are located may be entered upon.

SECTION 3. Any person or persons employed by the commissioners, or acting under any contract with the commissioners, to construct the dikes, shall have authority to enter upon the lands on which the dikes may be located, and such adjoining lands as may be required, for the purpose of constructing the same, pursuant to the order of the commissioners.

Commissioners to apportion expense between town and the lands benefited; also, to award damages.

SECTION 4. After the completion of the dikes, the commissioners shall determine the extent of territory benefited thereby, and what portion of the expense thereof shall be borne by the town, and what portion by the owners of the lands so benefited, and the amount of damages caused by the construction of the dikes to each of such owners, and shall cause a notice of such determination, to be published in the newspaper having the largest circulation in the county, and shall also deposit a list of such owners, with the amount of damages awarded to each, in the office of the said town clerk, and also give notice thereof in said newspaper.

To give public notice of awards.

Persons or corporations aggrieved may apply for a jury.

SECTION 5. Within two months after the first publication of the notice of the determination of the commissioners, mentioned in the last preceding section, or after the list has been deposited in the clerk's office, the town, or any person or corporation aggrieved by such determination, may apply for a jury in like manner, and the proceedings thereupon shall be the same, as in the case of a jury called to act upon laying out or discontinuing highways: *provided*, that the application shall contain specifications of the objections of the party applying for a jury to the determination of the commissioners, to which specifications such party shall be confined upon the hearing before the jury. If, upon the hearing, the objections to the determination are not sustained, the costs arising upon the application shall be paid by the applicant, otherwise by the proprietors of the lands benefited, and the town, in the proportions required of them respectively for the construction of the dikes, and the commissioners may, if they deem it expedient, determine anew the division of the expense and the territory benefited by the dikes. Any person or corporation neglecting to apply for a jury in the manner herein provided, shall be concluded by the determination of the commissioners, and shall not be entitled to recover in an action at law or otherwise, any assessment, or any part thereof, which he may pay, or which may be collected of him under the provisions of this act.

Application to specify objections to determination of commissioners

Costs.

Determination of commissioners final, unless jury is applied for within two months of notice.

SECTION 6. After two months from the final determination of the commissioners, as to the division of the expense and the extent of territory benefited by the dikes, that portion of the expense of constructing the dikes, which shall be borne by the owners of lands in the district benefited thereby, shall be equitably and ratably assessed by three assessors, to be appointed by the commissioners, and the assessments so made shall be collected by the collector of the town. In making the assessments, the damages awarded to any owner of land, shall be deducted from the amount to be assessed upon the land of such owner; and if the damages shall exceed the benefits which the land of any owner shall derive from the dikes, the excess certified by the commissioners shall be paid to such owner by the town treasurer. Such assessment shall constitute a lien upon the real estate assessed, in the same manner as taxes are a lien upon real estate, and shall be collected in the manner provided by chapter twelve of the General Statutes for the collection of taxes. Any person aggrieved by the amount assessed to him, shall be entitled to the remedies provided in sections forty-three, forty-four and forty-five of chapter eleven of the General Statutes.

How expense to be borne by owners of lands benefited is to be assessed and collected.

Assessments to be lien upon real estate.

Person aggrieved may apply for abatement.

SECTION 7. The assessments, when collected, shall be paid to the treasurer of the town, and after such payment and the construction of the dikes have been approved by the commissioners, the town shall be liable for all expenses lawfully incurred for such construction, and any person or persons to whom money may be due for labor or materials furnished upon any contracts with the commissioners, or by their order, may recover the same of the town in an action of contract.

Assessments to be paid to town treasurer.

Town liable for expenses of construction.

SECTION 8. When any lands to be assessed under the provisions of this act shall be held by a tenant for life or years, the assessors shall determine how much damages shall be allowed, and how much shall be assessed to the tenant, and how much to the landlord or reversioner, and shall allow and assess the same accordingly.

How made, when lands are held by tenants.

SECTION 9. The dikes constructed under this act shall be held to be the property of the town, and by the town shall be maintained and repaired, and the town shall pay such part of the expense of rebuilding, maintaining and repairing the same, as required by the commissioners upon the original construction thereof, and the balance of the expense shall be assessed by the assessors of the town upon the owners of lands in the district determined by the commissioners to be benefited as herein provided, and the assessments shall

Dikes to be property of town and maintained by it.

Cost of repairs; how assessed.

be collected in the same manner, and persons aggrieved shall be entitled to the same remedies as are herein provided in case of the first assessment.

SECTION 10. This act shall take effect upon its passage.

Approved March 20, 1868.

Chap. 81. AN ACT TO INCORPORATE THE MASSACHUSETTS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Be it enacted, &c., as follows :

Corporators. SECTION 1. William Gray, Samuel G. Howe, George T. Angell, their associates and successors, are hereby made a corporation by the name of the Massachusetts Society for the Prevention of Cruelty to Animals; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force, relating to such corporations, with authority to hold real and personal estate for the purposes of the corporation, not exceeding in amount one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1868.

Chap 2. AN ACT TO INCORPORATE THE CHELSEA BEACH AND SAUGUS BRIDGE AND TURNPIKE COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Amos Tarleton, John F. Wiggin, Charles Fenno, Lewis B. West, their associates and successors, are hereby made a corporation by the name of the Chelsea Beach and Saugus Bridge and Turnpike Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force relative to such corporations.

May construct turnpike from Ocean House in North Chelsea to Salem turnpike. SECTION 2. The said corporation is hereby authorized and empowered to construct a turnpike from the road near the Ocean House in North Chelsea to the Salem turnpike, at a point opposite the junction of the Saugus road with the Salem turnpike in Saugus; and in the line of the turnpike so to be constructed, to erect a bridge over Pines River between the towns of North Chelsea and Saugus, and also a bridge over Bear Creek in Saugus; and to purchase and hold such real and personal estate as may be proper for that purpose, not exceeding in value the sum of twenty-five thousand dollars; and the capital stock of said company shall be divided into shares of one hundred dollars each. Said bridges shall be well built, of suitable materials, at least twenty-four feet wide, and floored with planks, with sufficient

Real and personal estate.

Bridges.

railings on each side, and shall be kept in good repair at all times. Such turnpike shall be well constructed, so as to be safe and suitable for travel, and at least thirty-two feet wide.

SECTION 3. Such corporation shall erect a toll-gate at the North Chelsea end of the bridge over Pines River, and at no other place. A toll is hereby granted to said corporation at the following rates, namely: for each horse and rider, five cents; for each gig, sulky, buggy, wagon or sleigh, without top, drawn by one horse; for each chaise, cab, carryall, covered buggy or sleigh, drawn by one horse, ten cents; for each coach, chariot, phaeton or covered sleigh, drawn by two horses, fifteen cents; and for each additional horse, five cents; for each cart, wagon, sled, sleigh or other carriage of burden, drawn by one beast, ten cents: if drawn by two beasts, fifteen cents, and for each additional beast, five cents; for each horse without a rider, four cents; for neat cattle, asses and mules, three cents each; for sheep and swine, one cent each.

SECTION 4. The said tolls shall commence on the day of the opening of said turnpike for public use, and continue until revoked by the legislature; and at the place of receiving said tolls there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly printed thereon. The rates of toll may be commuted with any person.

SECTION 5. The assent of the boards of selectmen of the towns of North Chelsea and Saugus shall be given to the location of said turnpike and bridges. If said corporation shall neglect for the space of three years from the passage of this act, to build and finish said turnpike and bridges, then this act shall be of no effect.

SECTION 6. This act shall take effect upon its passage.

Approved, March 23, 1868.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH A FIRE DEPARTMENT IN THE TOWN OF LOWELL.

Be it enacted, &c., as follows:

SECTION 1. The chief engineer and the assistant engineers of the fire department in the city of Lowell may be removed at any time by the mayor and aldermen.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1868.

AN ACT CONCERNING THE PROPRIETORS OF THE NEW SOUTH MEETING-HOUSE IN BOSTON, AND THE DISPOSITION OF THEIR ESTATE.

Be it enacted, &c., as follows:

SECTION 1. The prudential committee of "the Proprietors of the New South Meeting-House in Boston" may sell at private sale or public auction, and convey, without

Width of road.

Toll-gate at N. Chelsea.

Rates of toll.

Tolls to commence when road is opened for public use.

Location to be approved by selectmen of N. Chelsea and Saugus.

Engineers, how removed.

Real estate in Boston may be sold.

Chap. 83.

Chap. 84.

After debts are paid, proceeds to be paid over to the Benevolent Fraternity of Churches in Boston.

Proviso.

Value of pews; how determined.

Executive committee of Benevolent Fraternity of Churches made a corporation.

Proprietors of New South Meeting-House may hold property.

responsibility on the part of the purchaser or purchasers for the application of the purchase money, the real estate of said corporation on the corner of Summer and Bedford Streets, in Boston, and may execute and deliver any conveyances necessary to complete said sale; and after paying from the proceeds of said sale all debts of said corporation, and such sums for the pews as may be fixed upon under the provisions of the thirty-ninth and forty-first sections of the thirtieth chapter of the General Statutes, shall pay over the balance and shall transfer any other property held by said corporation to the Benevolent Fraternity of Churches in the City of Boston, to be held in trust and used for the purposes of the public worship of God: *provided*, that they shall be authorized so to do by a vote of the majority of the said proprietors actually present and voting at a legal meeting thereof.

SECTION 2. In case of disagreement as to the value of any pew, its price may be fixed under the provisions of the forty-first section of the thirtieth chapter of the General Statutes.

SECTION 3. The executive committee of said Benevolent Fraternity of Churches, and their successors, are hereby made a corporation, under the name of the Executive Committee of the Benevolent Fraternity of Churches, and are authorized to take and hold any property and execute any trusts now held by the deacons of the New South Church in Boston, which the supreme judicial court, on petition of said deacons may, by any order or decree, transfer to said executive committee.

SECTION 4. The Proprietors of the New South Meeting-House in Boston may hereafter take and hold by purchase or otherwise, and occupy for the purposes for which they were incorporated, real estate in any part of the city of Boston, and may continue to enjoy their existing rights, privileges and immunities, except so far as they may have parted with the same, under the provisions of this act.

SECTION 5. This act shall take effect upon its passage.

Approved March 23, 1868.

Chap. 85.

AN ACT TO INCORPORATE THE UNION PRINT WORKS OF FALL RIVER.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. S, Angier Chace, Samuel Hathaway, Charles O. Shove, their associates and successors, are hereby made a corporation by the name of the Union Print Works, for the purpose of printing, dyeing and bleaching cotton and woolen goods in the city of Fall River; with all the privileges, and

Name and purpose.

Powers and duties.

subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or may hereafter be in force, relating to such corporations.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to amount not exceeding four hundred thousand dollars, and the whole capital stock shall not exceed one million dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until three hundred thousand dollars of its capital stock has been paid in in cash.

Real estate.

Capital stock and shares.

SECTION 3. Any corporation in Fall River manufacturing cotton or woolen goods designed for printing, dyeing or bleaching, may hold, not exceeding twenty-five per cent., of the stock in said print works: *provided*, said corporation shall have so decided by a vote of two-thirds of its stock, represented at any meeting specially called for that purpose.

Certain corporations in Fall River may take stock.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved March 26, 1868.

AN ACT CONCERNING THE VINEYARD SOUND RAILROAD COMPANY.

Chap. 86.

Be it enacted, &c., as follows:

SECTION 1. The time allowed the Vineyard Sound Railroad Company by chapter one hundred and two of the acts of the year eighteen hundred and sixty-seven, for filing the location and for completing the construction of its railroad, is hereby extended two years beyond the time allowed in said act.

Time extended for locating and constructing road.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1868.

AN ACT CONCERNING THE FEES OF WITNESSES FOR ATTENDANCE IN THE PROBATE COURTS.

Chap. 87.

Be it enacted, &c., as follows:

SECTION 1. The fees of witnesses for attendance in the probate courts shall be one dollar and twenty-five cents a day.

Fees, \$1.25 each day.

SECTION 2. So much of section eight of chapter one hundred and fifty-seven, of the General Statutes, as is inconsistent with this act, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE CHICOPEE MANUFACTURING COMPANY.

Chap. 88.

Be it enacted, &c., as follows:

SECTION 1. The Chicopee Manufacturing Company, established in Chicopee, is hereby authorized to increase its capital

\$580,000 additional capital stock.

stock by an amount not exceeding five hundred and eighty thousand dollars, the same to be divided into shares of one hundred dollars each; and to hold real estate necessary and convenient for the purposes of its business, not exceeding four hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1868.

Chap. 89.

AN ACT REQUIRING THE EASTERN RAILROAD COMPANY TO ESTABLISH A FLAG-STATION AT "KNIGHT'S CROSSING," IN THE TOWN OF NEWBURY.

Be it enacted, &c., as follows:

Eastern Railroad to maintain flag-station and station-house at Knight's Crossing in Newbury.

SECTION 1. The Eastern Railroad Company is hereby required to establish and maintain on the line of its railroad, at "Knight's Crossing," so called, in the town of Newbury, a flag-station; and to erect at said place a station-house, reasonably commodious for the use of passengers and the accommodation of freight; at which at least two trains each way shall stop each day, upon the proper signals being made: and said company is hereby authorized to take such land as shall be necessary for the erection of such station-house, and for approaches thereto, under the provisions of the sixty-third chapter of the General Statutes.

Station-house to be completed by July 1, 1868, under penalty.

SECTION 2. Said station-house shall be ready for the accommodation of passengers and freight by the first day of July next; and said Eastern Railroad Company shall forfeit and pay the sum of two hundred dollars for each month's delay in the establishment of said station after said first day of July, to be recovered to the use of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1868.

Chap. 90.

AN ACT TO INCORPORATE THE NEWBURYPORT AND PLUM ISLAND STREET RAILWAY COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel A. Smith, Joseph H. Smith, Moses B. Jackman, their associates and successors, are hereby made a corporation under the name of the Newburyport and Plum Island Street Railway Company, for the purpose of constructing and using a street railroad, from a point at or near the foot of Marlborough Street, in Newburyport, on Water Street, to Plum Island, so-called; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force relating to street railroad corporations.

Street railroad in Newburyport.

SECTION 2. The capital stock of said corporation shall not exceed the sum of twenty thousand dollars. Capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1868.

AN ACT TO INCORPORATE THE EAST ABINGTON SAVINGS BANK.

Chap. 91.

Be it enacted, &c., as follows :

SECTION 1. Sumner Shaw, Franklin Poole, Washington Reed, their associates and successors, are hereby made a corporation by the name of the East Abington Savings Bank, to be located in that part of the town of Abington called East Abington; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings. Corporators.

Powers and privileges.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1868.

AN ACT FIXING THE SALARY OF THE TREASURER OF THE COUNTY OF DUKES COUNTY.

Chap. 92.

Be it enacted, &c., as follows :

SECTION 1. The treasurer of the county of Dukes County shall receive in quarterly payments from the treasury of said county, an annual salary of two hundred dollars. Salary, \$200.

SECTION 2. The salary herein provided shall be paid from the first of January last. When to date from.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1868.

AN ACT TO ESTABLISH THE OFFICE OF ASSISTANT ATTORNEY-GENERAL.

Chap. 93.

Be it enacted, &c., as follows :

SECTION 1. The attorney-general is authorized to appoint an assistant, who, at his request and under his direction, shall aid the attorney-general in the performance of his official duties. Attorney-general may appoint assistant.

SECTION 2. Said assistant attorney-general shall receive for his services an annual salary of eighteen hundred dollars from the treasury of the Commonwealth. Salary.

SECTION 3. All acts authorizing the attorney-general to employ clerical assistance, and in relation to the clerk of the attorney-general, are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 31, 1868.

Chap. 94. AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION DOLLARS.

Be it enacted, &c., as follows :

Assessment of
cities and towns.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say :

Counties:
Suffolk.

Suffolk County.—Boston, seven hundred twenty-three thousand one hundred and forty dollars ; Chelsea, sixteen thousand one hundred dollars ; North Chelsea, one thousand six hundred and eighty dollars ; Winthrop, nine hundred dollars.

Essex.

Essex County.—Amesbury, three thousand eight hundred and eighty dollars ; Andover, five thousand seven hundred dollars ; Beverly, seven thousand three hundred and forty dollars ; Boxford, one thousand three hundred dollars ; Bradford, one thousand eight hundred and twenty dollars ; Danvers, four thousand eight hundred and sixty dollars ; Essex, two thousand dollars ; Georgetown, one thousand seven hundred and eighty dollars ; Gloucester, ten thousand one hundred and eighty dollars ; Groveland, one thousand five hundred and forty dollars ; Hamilton, one thousand dollars ; Haverhill, ten thousand two hundred and sixty dollars ; Ipswich, three thousand three hundred and forty dollars ; Lawrence, twenty-two thousand eight hundred and forty dollars ; Lynn, twenty thousand eight hundred and forty dollars ; Lynnfield, one thousand two hundred and forty dollars ; Manchester, one thousand seven hundred dollars ; Marblehead, five thousand five hundred and sixty dollars ; Methuen, two thousand eight hundred and forty dollars ; Middleton, eight hundred and forty dollars ; Nahant, nine hundred and sixty dollars ; Newbury, one thousand six hundred dollars ; Newburyport, fifteen thousand six hundred dollars ; North Andover, three thousand seven hundred and sixty dollars ; Rockport, two thousand nine hundred and sixty dollars ; Rowley, one thousand one hundred and sixty dollars ; Salem, thirty-one thousand nine hundred and forty dollars ; Salisbury, three thousand six hundred and sixty dollars ; Saugus, two thousand six hundred and sixty dollars ; South Danvers, seven thousand nine hundred and forty dollars ; Swampscott, two thousand eight hundred and forty dollars ; Topsfield, one thousand four hundred and sixty dollars ; Wenham, one thousand dollars ; West Newbury, two thousand one hundred dollars.

Middlesex.

Middlesex County.—Acton, one thousand eight hundred and forty dollars ; Arlington, five thousand five hundred and

forty dollars; Ashby, one thousand one hundred and sixty dollars; Ashland, one thousand five hundred and twenty dollars; Bedford, one thousand and forty dollars; Belmont, six thousand three hundred and forty dollars; Billerica, two thousand two hundred and sixty dollars; Boxborough, five hundred and twenty dollars; Brighton, seven thousand four hundred dollars; Burlington, eight hundred and sixty dollars; Cambridge, fifty thousand four hundred and twenty dollars; Carlisle, seven hundred and sixty dollars; Charlestown, thirty-six thousand nine hundred and sixty dollars; Chelmsford, three thousand one hundred and sixty dollars; Concord, three thousand three hundred and forty dollars; Dracut, two thousand four hundred dollars; Dunstable, eight hundred dollars; Framingham, five thousand eight hundred dollars; Groton, three thousand four hundred dollars; Holliston, three thousand three hundred and eighty dollars; Hopkinton, three thousand six hundred and sixty dollars; Lexington, three thousand five hundred and forty dollars; Lincoln, one thousand two hundred and forty dollars; Littleton, one thousand three hundred and twenty dollars; Lowell, forty-one thousand four hundred and eighty dollars; Malden, eight thousand five hundred and twenty dollars; Marlborough, six thousand one hundred and twenty dollars; Medford, ten thousand six hundred and twenty dollars; Melrose, three thousand five hundred and eighty dollars; Natick, four thousand three hundred dollars; Newton, eighteen thousand seven hundred and forty dollars; North Reading, one thousand two hundred and eighty dollars; Pepperell, two thousand and twenty dollars; Reading, two thousand eight hundred dollars; Sherborn, one thousand seven hundred and sixty dollars; Shirley, one thousand four hundred and sixty dollars; Somerville, eleven thousand five hundred and twenty dollars; South Reading, three thousand seven hundred and sixty dollars; Stoneham, three thousand one hundred and forty dollars; Stow, one thousand six hundred and eighty dollars; Sudbury, two thousand two hundred dollars; Tewksbury, one thousand five hundred and sixty dollars; Townsend, one thousand seven hundred and eighty dollars; Tyngsborough, seven hundred and forty dollars; Waltham, ten thousand eight hundred and sixty dollars; Watertown, five thousand five hundred and eighty dollars; Wayland, one thousand four hundred dollars; Westford, two thousand and eighty dollars; Weston, two thousand one hundred and eighty dollars; Wilmington, one thousand one hundred and eighty dollars; Winchester, two thousand nine hundred and twenty dollars; Woburn, ten thousand five hundred dollars.

Worcester.

Worcester County.—Ashburnham, one thousand eight hundred and eighty dollars; Athol, two thousand six hundred and twenty dollars; Auburn, one thousand and eighty dollars; Barre, three thousand seven hundred and eighty dollars; Berlin, nine hundred and forty dollars; Blackstone, four thousand six hundred and twenty dollars; Bolton, one thousand four hundred and sixty dollars; Boylston, one thousand dollars; Brookfield, two thousand two hundred and forty dollars; Charlton, two thousand and twenty dollars; Clinton, four thousand two hundred dollars; Dana, six hundred dollars; Douglas, two thousand and twenty dollars; Dudley, one thousand five hundred and sixty dollars; Fitchburg, nine thousand one hundred and sixty dollars; Gardner, two thousand one hundred and eighty dollars; Grafton, three thousand nine hundred and eighty dollars; Hardwick, two thousand three hundred dollars; Harvard, one thousand nine hundred and eighty dollars; Holden, one thousand eight hundred and eighty dollars; Hubbardston, one thousand six hundred and twenty dollars; Lancaster, two thousand one hundred dollars; Leicester, three thousand four hundred dollars; Leominster, four thousand one hundred and forty dollars; Lunenburg, one thousand five hundred and forty dollars; Mendon, one thousand four hundred and forty dollars; Milford, eight thousand one hundred and twenty dollars; Millbury, three thousand one hundred and eighty dollars; New Braintree, one thousand one hundred and forty dollars; Northborough, one thousand eight hundred and sixty dollars; Northbridge, two thousand five hundred dollars; North Brookfield, two thousand three hundred and sixty dollars; Oakham, seven hundred and sixty dollars; Oxford, two thousand five hundred and eighty dollars; Paxton, six hundred and eighty dollars; Petersham, one thousand five hundred dollars; Phillipston, seven hundred and twenty dollars; Princeton, one thousand six hundred and forty dollars; Royalston, one thousand five hundred and sixty dollars; Rutland, one thousand one hundred and sixty dollars; Shrewsbury, two thousand one hundred and sixty dollars; Southborough, two thousand and sixty dollars; Southbridge, three thousand seven hundred and eighty dollars; Spencer, three thousand one hundred and forty dollars; Sterling, two thousand two hundred and sixty dollars; Sturbridge, one thousand nine hundred and sixty dollars; Sutton, two thousand four hundred and eighty dollars; Templeton, two thousand three hundred and twenty dollars; Upton, one thousand seven hundred and forty dollars; Uxbridge, three

thousand four hundred and forty dollars; Warren, two thousand two hundred and sixty dollars; Webster, two thousand five hundred and twenty dollars; Westborough, three thousand and twenty dollars; West Boylston, one thousand nine hundred and sixty dollars; West Brookfield, one thousand five hundred and forty dollars; Westminster, one thousand six hundred and twenty dollars; Winchendon, two thousand seven hundred and eighty dollars; Worcester, forty thousand eight hundred and sixty dollars.

Hampshire County.—Amherst, three thousand nine hundred dollars; Belchertown, two thousand five hundred and forty dollars; Chesterfield, eight hundred and sixty dollars; Cummington, eight hundred and twenty dollars; Easthampton, three thousand four hundred dollars; Enfield, one thousand two hundred and eighty dollars; Goshen, three hundred and sixty dollars; Granby, one thousand and forty dollars; Greenwich, six hundred dollars; Hadley, two thousand seven hundred and twenty dollars; Hatfield, two thousand eight hundred and forty dollars; Huntington, nine hundred and sixty dollars; Middlefield, seven hundred and eighty dollars; Northampton, nine thousand eight hundred and forty dollars; Pelham, five hundred dollars; Plainfield, five hundred and eighty dollars; Prescott, five hundred and twenty dollars; South Hadley, two thousand three hundred and eighty dollars; Southampton, one thousand one hundred and twenty dollars; Ware, two thousand nine hundred and sixty dollars; Westhampton, six hundred and twenty dollars; Williamsburg, two thousand three hundred and forty dollars; Worthington, nine hundred and twenty dollars.

Hampden County.—Agawam, one thousand eight hundred dollars; Blandford, one thousand two hundred dollars; Brimfield, one thousand five hundred and forty dollars; Chester, one thousand and eighty dollars; Chicopee, seven thousand one hundred and twenty dollars; Granville, one thousand two hundred and twenty dollars; Holland, three hundred dollars; Holyoke, five thousand five hundred and forty dollars; Longmeadow, two thousand one hundred dollars; Ludlow, one thousand and forty dollars; Monson, two thousand eight hundred and sixty dollars; Montgomery, three hundred and sixty dollars; Palmer, two thousand eight hundred and sixty dollars; Russell, five hundred dollars; Southwick, one thousand three hundred and twenty dollars; Springfield, twenty-eight thousand five hundred dollars; Tolland, six hundred and forty dollars; Wales, five hundred and eighty dollars; Westfield, seven thousand

and forty dollars; West Springfield, two thousand seven hundred and sixty dollars; Wilbraham, one thousand nine hundred and sixty dollars.

Franklin.

Franklin County.—Ashfield, one thousand three hundred and sixty dollars; Bernardston, one thousand and forty dollars; Buckland, one thousand three hundred and forty dollars; Charlemont, eight hundred and sixty dollars; Colrain, one thousand four hundred and forty dollars; Conway, one thousand six hundred dollars; Deerfield, two thousand seven hundred and sixty dollars; Erving, four hundred and twenty dollars; Gill, eight hundred and forty dollars; Greenfield, four thousand dollars; Hawley, six hundred dollars; Heath, five hundred and forty dollars; Leverett, six hundred and eighty dollars; Leyden, six hundred dollars; Monroe, two hundred dollars; Montague, one thousand four hundred dollars; New Salem, eight hundred and forty dollars; Northfield, one thousand six hundred and twenty dollars; Orange, one thousand five hundred and forty dollars; Rowe, four hundred and twenty dollars; Shelburne, one thousand seven hundred and eighty dollars; Shutesbury, five hundred and forty dollars; Sunderland, nine hundred and twenty dollars; Warwick, six hundred and forty dollars; Wendell, four hundred and eighty dollars; Whately, one thousand four hundred and forty dollars.

Berkshire.

Berkshire County.—Adams, seven thousand three hundred and twenty dollars; Alford, seven hundred dollars; Becket, one thousand one hundred and forty dollars; Cheshire, one thousand five hundred and sixty dollars; Clarksburg, three hundred and twenty dollars; Dalton, one thousand nine hundred and twenty dollars; Egremont, one thousand two hundred and twenty dollars; Florida, five hundred and sixty dollars; Great Barrington, four thousand six hundred and twenty dollars; Hancock, one thousand dollars; Hinsdale, one thousand seven hundred and twenty dollars; Lanesborough, one thousand four hundred and twenty dollars; Lee, three thousand six hundred and eighty dollars; Lenox, one thousand eight hundred dollars; Monterey, six hundred and eighty dollars; Mount Washington, two hundred dollars; New Ashford, two hundred and twenty dollars; New Marlborough, one thousand four hundred and twenty dollars; Otis, eight hundred dollars; Peru, four hundred and eighty dollars; Pittsfield, twelve thousand nine hundred and sixty dollars; Richmond, one thousand one hundred dollars; Sandisfield, one thousand three hundred and eighty dollars; Savoy, six hundred and eighty dollars; Sheffield, two thousand six hundred and twenty dollars; Stockbridge,

two thousand six hundred and sixty dollars; Tyringham, six hundred and sixty dollars; Washington, six hundred and sixty dollars; West Stockbridge, one thousand four hundred and forty dollars; Williamstown, two thousand five hundred and twenty dollars; Windsor, seven hundred dollars.

Norfolk County.—Bellingham, one thousand and eighty Norfolk. dollars; Braintree, three thousand five hundred and eighty dollars; Brookline, twenty-one thousand seven hundred dollars; Canton, four thousand five hundred and sixty dollars; Cohasset, two thousand five hundred dollars; Dedham, nine thousand nine hundred and twenty dollars; Dorchester, twenty-three thousand eight hundred and eighty dollars; Dover, seven hundred and sixty dollars; Foxborough, two thousand eight hundred and forty dollars; Franklin, one thousand three hundred and twenty dollars; Medfield, one thousand three hundred and twenty dollars; Medway, two thousand eight hundred and sixty dollars; Milton, seven thousand nine hundred and twenty dollars; Needham, three thousand seven hundred and twenty dollars; Quincy, seven thousand nine hundred and forty dollars; Randolph, six thousand three hundred and twenty dollars; Sharon, one thousand five hundred and eighty dollars; Stoughton, four thousand and forty dollars; Walpole, two thousand four hundred and forty dollars; Weymouth, seven thousand nine hundred dollars; West Roxbury, nineteen thousand five hundred and eighty dollars; Wrentham, three thousand and eighty dollars.

Bristol County.—Acushnet, one thousand four hundred Bristol. dollars; Attleborough, five thousand and eighty dollars; Berkley, seven hundred and forty dollars; Dartmouth, four thousand nine hundred and sixty dollars; Dighton, one thousand eight hundred dollars; Easton, four thousand and eighty dollars; Fairhaven, three thousand six hundred and eighty dollars; Fall River, twenty-five thousand eight hundred and forty dollars; Freetown, one thousand five hundred and forty dollars; Mansfield, one thousand eight hundred dollars; New Bedford, thirty-nine thousand five hundred and forty dollars; Norton, one thousand eight hundred and eighty dollars; Raynham, two thousand three hundred dollars; Rehoboth, one thousand seven hundred and twenty dollars; Seekonk, one thousand and eighty dollars; Somerset, one thousand nine hundred and forty dollars; Swanzey, one thousand six hundred and forty dollars; Taunton, seventeen thousand seven hundred dollars; Westport, three thousand one hundred and eighty dollars.

Plymouth.

Plymouth County.—Abington, seven thousand four hundred and twenty dollars; Bridgewater, four thousand three hundred and sixty dollars; Carver, one thousand and sixty dollars; Duxbury, two thousand three hundred and sixty dollars; East Bridgewater, two thousand eight hundred and forty dollars; Halifax, eight hundred dollars; Hanover, one thousand six hundred and sixty dollars; Hanson, one thousand and eighty dollars; Hingham, five thousand and sixty dollars; Hull, three hundred and twenty dollars; Kingston, two thousand six hundred and eighty dollars; Lakeville, one thousand two hundred and eighty dollars; Marion, one thousand and twenty dollars; Marshfield, one thousand eight hundred and eighty dollars; Mattapoisett, one thousand three hundred dollars; Middleborough, four thousand eight hundred and eighty dollars; North Bridgewater, five thousand four hundred and twenty dollars; Pembroke, one thousand three hundred and sixty dollars; Plymouth, six thousand eight hundred and twenty dollars; Plympton, seven hundred and twenty dollars; Rochester, one thousand two hundred and sixty dollars; Scituate, two thousand and sixty dollars; South Scituate, one thousand eight hundred and twenty dollars; Wareham, two thousand one hundred and eighty dollars; West Bridgewater, two thousand and forty dollars.

Barnstable.

Barnstable County.—Barnstable, four thousand nine hundred and sixty dollars; Brewster, one thousand six hundred and eighty dollars; Chatham, two thousand five hundred and forty dollars; Dennis, two thousand seven hundred and sixty dollars; Eastham, five hundred and eighty dollars; Falmouth, three thousand dollars; Harwich, two thousand five hundred and sixty dollars; Orleans, one thousand four hundred dollars; Provincetown, three thousand four hundred and eighty dollars; Sandwich, three thousand seven hundred dollars; Truro, one thousand and forty dollars; Wellfleet, one thousand seven hundred and sixty dollars; Yarmouth, three thousand and forty dollars.

Dukes.

Dukes County.—Chilmark, seven hundred and sixty dollars; Edgartown, two thousand two hundred and sixty dollars; Gosnold, two hundred and twenty dollars; Tisbury, one thousand five hundred and eighty dollars.

Nantucket.

Nantucket County.—Nantucket, four thousand eight hundred and sixty dollars.

RECAPITULATION.**Recapitulation of counties.**

Suffolk County, seven hundred and forty-one thousand eight hundred and twenty dollars; Essex County, one hundred and ninety thousand five hundred dollars; Middlesex

Douuty, three hundred and fourteen thousand four hundred and twenty dollars; Worcester County, one hundred seventy-seven thousand four hundred dollars; Hampshire County, forty-three thousand eight hundred and eighty dollars; Hampden County, seventy-two thousand three hundred and twenty dollars; Franklin County, twenty-nine thousand nine hundred dollars; Berkshire County, sixty thousand one hundred and sixty dollars; Norfolk County, one hundred forty-one thousand eight hundred and forty dollars; Bristol County, one hundred and twenty-one thousand nine hundred dollars; Plymouth County, sixty-three thousand six hundred and eighty dollars; Barnstable County, thirty-two thousand five hundred dollars; Dukes County, four thousand eight hundred and twenty dollars; Nantucket County, four thousand eight hundred and sixty dollars.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of the eleventh chapter of the General Statutes, and to add the amount of such tax to the amount of city, town and county taxes, to be assessed by them, respectively, on each city or town.

Treasurer of
Commonwealth
to issue warrant.

SECTION 3. The treasurer, in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay, to the said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty-eight, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

—to require se-
lectmen or as-
sessor to issue war-
rants to city or
town treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Com-

Names of treas-
urers and sums
required to be re-
turned.

Treasurer of the
Commonwealth
to notify delin-
quent city or
town treasurers.

monwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town ; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect upon its passage.

Approved April 1, 1868.

Chap. 95. AN ACT TO EXEMPT FROM ATTACHMENT THE EARNINGS OF THE WIFE AND MINOR CHILDREN OF A DEBTOR.

Be it enacted, &c., as follows :

Earnings of debtor's wife and children exempt from attachment.

SECTION 1. No person shall be adjudged a trustee by reason of any money or credits in his hands, due for the wages of the personal labor or services of the wife or minor children of the defendant in trustee process.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1868.

Chap. 96. AN ACT AUTHORIZING THE FITCHBURG RAILROAD COMPANY TO CONSTRUCT A BRANCH ROAD IN WALTHAM.

Be it enacted, &c., as follows :

Fitchburg Railroad Company may build branch road in Waltham.

SECTION 1. The Fitchburg Railroad Company are hereby authorized to locate, construct and maintain a branch railroad in the town of Waltham, beginning at a point between Jackson and Elm Streets, on the trunk road of said company, and extending in a south-westerly or southerly direction, crossing North River Street at grade, to said company's branch road, called the Watertown Branch Railroad.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1868.

Chap. 97. AN ACT TO INCORPORATE THE ALBANY STREET FREIGHT RAILWAY COMPANY.

Be it enacted, &c., as follows :

Albany Street Freight Railway Co. in Boston.

SECTION 1. Jarvis Williams, Adams Ayer and Amos B. Merrill, their associates and successors, are hereby made a corporation by the name of the Albany Street Freight Railway Company ; with all the privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or may hereafter be in force relating to street railway corporations, so far as they may be applicable.

Tracks to be laid under direction of the aldermen of Boston.

SECTION 2. Said corporation, in such manner as may be prescribed and directed by the board of aldermen of the city of Boston, may construct, maintain and use a street railway with suitable turnouts, and with such tracks and branch tracks as the board of aldermen may from time to time permit ; the rails for said tracks to be of such pattern as the

board of aldermen may prescribe, and to be also suitable for railway freight cars in common use; commencing at the city stables on Albany street in Boston; thence through Albany and Lehigh streets to a connection with the tracks of the Boston and Albany Railroad; and may also continue their tracks on Lehigh and South streets to a connection with the tracks of the Old Colony and Newport Railway; and said corporation may also extend their tracks from the city stables southward upon Albany street to such distance as the board of aldermen may from time to time permit; but said corporation shall have no power to connect with or run over the tracks of any street railway company other than the Marginal Freight Railway Company.

From [Albany Street, to connect with the Boston and Albany Railroad and the Old Colony and Newport Railroad.

SECTION 3. Said railway shall be used by said corporation for the transportation of freight only, and the cars thereon shall be drawn by horse power only, unless the use of other motive power shall be sanctioned by said board of aldermen; and said corporation shall have power to fix such tolls for the transportation of freight as they may from time to time deem expedient: *provided*, that such tolls shall only be sufficient to pay the expenses of said corporation and to pay a dividend of five per cent., semi-annually upon the capital stock of said corporation.

To be used to transport freight only.

Motive power.

Tolls.

Proviso.

SECTION 4. Said corporation, to carry into effect the purposes of this act, may unite with any railway corporation on such terms as may be mutually agreed, and for this purpose shall be entitled to all the rights and privileges, and shall be subject to all the duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes, and the laws supplemental thereto, so far as the same may be applicable.

May unite with other railway corporations.

SECTION 5. Said corporation shall keep in repair, to the satisfaction of the superintendent of streets of the city of Boston, all the paving between their rails and three feet outside thereof on each side, and the board of aldermen of the city of Boston shall have full power to regulate the time and manner of running cars on said railway.

Repairing and paving streets.

SECTION 6. The capital stock of said corporation shall not exceed three hundred thousand dollars.

Capital stock.

SECTION 7. This act shall take effect as soon as it shall be accepted by the board of aldermen of the city of Boston.

When to take effect.

Approved April 1, 1868.

AN ACT TO CONTINUE IN FORCE "AN ACT TO INCORPORATE THE ATTLEBOROUGH MUTUAL FIRE INSURANCE COMPANY."

Chap. 98..

Be it enacted, &c., as follows:

SECTION 1. The act of the year eighteen hundred and forty-four, chapter fifty-four, entitled "An Act to incorporate the Attleborough Mutual Fire Insurance Company," shall

Charter extended: without limitation of time.

continue and remain in force from and after the twenty-fourth day of February, in the year eighteen hundred and seventy-two; and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws relating to such corporations, which are or may be in force, in like manner and to the same effect, as if said act incorporating said company, had contained no limitation of time.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1868.

Chap. 99.

AN ACT CONCERNING THE ROCKPORT STEAM COTTON MILLS.

Be it enacted, &c., as follows :

Corporation may
be re-organized.

SECTION 1. At a meeting of the members of the Rockport Steam Cotton Mills, to be duly called in the manner provided by the fifth section of chapter sixty-eight of the General Statutes, on the written application of Edmund Dwight, treasurer of said corporation, to any justice of the peace in the county of Essex, all persons holding certificates of stock in said corporation, or the legal representatives of any such persons deceased, shall be deemed members of said corporation, and shall be entitled to act at such meeting; and the said corporation may then and there be re-organized by the choice of all proper officers; and after such choice of officers, it shall be lawful for the said corporation to ratify and confirm all acts of said corporation which would have been legal, had said corporation been duly organized and the records thereof properly kept.

Former acts of
corporation may
be ratified.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1868.

Chap 100

AN ACT TO ENABLE THE NEW ENGLAND HISTORIC-GENEALOGICAL SOCIETY TO HOLD AN ADDITIONAL AMOUNT OF PROPERTY.

Be it enacted, &c., as follows :

May hold \$100,-
000 additional
real and personal
estate.

SECTION 1. The New England Historic-Genealogical Society may take, by purchase, gift, grant or otherwise, and hold, real and personal estate not exceeding one hundred thousand dollars, in addition to the amount authorized by the second section of chapter one hundred and fifty-two of the acts of the year one thousand eight hundred and forty-five.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1868.

Chap. 101

AN ACT TO INCORPORATE THE MASSACHUSETTS AND RHODE ISLAND YEARLY MEETING OF FREE BAPTISTS.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles H. Webber, Nathan L. Rowell, Joel Baker, their associates and successors, are hereby made a

corporation as a religious society, by the name of the Massachusetts and Rhode Island Yearly Meeting of Free Baptists, in Taunton; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of two hundred thousand dollars for religious, benevolent and educational purposes.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1868.

AN ACT CONCERNING THE FIRST METHODIST EPISCOPAL CHURCH OF NORTH ANDOVER.

Chap. 102

Be it enacted, &c., as follows:

SECTION 1. The name of the First Methodist Society of North Andover, organized on the ninth day of September, in the year one thousand eight hundred and forty-nine, under the provisions of the forty-fourth chapter of the Revised Statutes, is hereby changed to that of the Corporation of Trustees of the First Methodist Episcopal Church in North Andover.

Name changed to "the Corporation of Trustees of the First Methodist Episcopal Church in North Andover."

SECTION 2. All conveyances heretofore made to the trustees of the First Methodist Society are hereby confirmed to the said corporation of trustees, who may hold personal and real estate for the use of said church, in accordance with the discipline of the Methodist Episcopal Church, and not in conflict with any laws of the Commonwealth regulating religious societies, the value of which real and personal estate shall not exceed forty thousand dollars.

Conveyances confirmed.

SECTION 3. This act shall be void and of no effect unless accepted by said trustees at a meeting called for that purpose within sixty days from its passage.

Act void, unless accepted within sixty days.

SECTION 4. This act shall take effect upon its passage.

Approved April 9, 1868.

AN ACT TO INCORPORATE THE WALTER HEYWOOD CHAIR COMPANY.

Chap. 103

Be it enacted, &c., as follows:

SECTION 1. Walter Heywood, George E. Towne, George H. Spencer, their associates and successors, are hereby made a corporation by the name of the Walter Heywood Chair Company, for the purpose of manufacturing chairs in the town of Fitchburg; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of the corporation shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold such real and personal estate as may be necessary or convenient for the purposes set forth in this act, but shall not commence business until one hundred thousand dollars of its capital stock shall have been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1868.

Chap. 104 AN ACT TO RENEW AND EXTEND THE CHARTER OF THE SOUTH OF EUROPE STEAMSHIP COMPANY.

Be it enacted, &c., as follows:

Charter renewed and extended.

SECTION 1. Whereas, by an act of this Commonwealth, bearing date May ninth, one thousand eight hundred and sixty-five, Alfred C. Hersey, Oliver Brewster and E. Hasket Derby, were incorporated as the South of Europe Steamship Company; and whereas, the time limited by the act for organization and for the commencement of business has expired, and said corporators desire a renewal of their charter and enlargement of their capital: Now, therefore, the said Alfred C. Hersey, Oliver Brewster and E. Hasket Derby, their associates and successors, are hereby made a corporation by the name of the South of Europe Steamship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws of this Commonwealth which now are or hereafter may be in force relating to such corporations.

May build or charter freight and passenger steamboats.

SECTION 2. Said corporation is hereby empowered to build, charter, hold and convey one or more steamships and steam-propellers, and to employ the same in transporting passengers and freight between the city of Boston or any other eligible port in the Commonwealth of Massachusetts, and any port or ports of Spain or of the Mediterranean, or of the Azores Islands.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed three million dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to fix its capital within said amount, and from time to time increase the same, so as not to exceed such limits; and shall have power to assess from time to time upon such shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of such shares. No certificates of stock shall be issued until the par value thereof shall have actually been paid in, and no steamship or propeller shall be run until at least one hundred thousand dollars of its capital shall have been subscribed.

No stock to be issued at less than par.

Steamboats not to be run until \$100,000 of capital subscribed.

SECTION 4. Said corporation may hold real estate to an amount not exceeding one hundred thousand dollars.

Real estate,
\$100,000.

SECTION 5. If said corporation shall not, within two years from the passage hereof, have been organized and have collected by assessment an amount equal to one hundred thousand dollars of its capital stock subscribed, and shall not within three years from the passage of this act have one or more steamships or steam-propellers employed between the United States and said port or ports, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or steam-propellers in said business, then this act shall be null and void.

Act void unless
\$100,000 paid in
within two years,
and steamboats
running within
three years, &c.

Approved April 9, 1868.

AN ACT TO INCORPORATE THE BOSTON YACHT CLUB.

Chap. 105

Be it enacted, &c., as follows:

SECTION 1. Daniel Farrar, Benjamin F. Gibbs, Dexter S. Stone, their associates, the members of the voluntary association in the city of Boston, known as the Boston Yacht Club, and successors, are hereby incorporated and made a body politic by the name of the Boston Yacht Club, having its office in the city of Boston, for the purpose of encouraging yacht building and naval architecture and the cultivation of nautical science.

Corporators.

Name and pur-
pose.

SECTION 2. Said corporation shall have power to have a common seal, to make and ordain, from time to time, by-laws, rules and regulations for the government of the corporation, and the management of its affairs: *provided*, the same be not repugnant to the laws of the Commonwealth; and with all the privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force, so far as the same are applicable.

May have a com-
mon seal, and
make by-laws.

SECTION 3. Said corporation may hold real estate not exceeding the value of twenty-five thousand dollars, and personal estate not exceeding the value of twenty-five thousand dollars, exclusive of their library and museum of models and inventions in nautical science.

Real and person-
al estate.

SECTION 4. This act shall take effect upon its passage.

Approved April 9, 1868.

AN ACT RELATING TO THE PLACE OF HOLDING THE ANNUAL MEETINGS OF RAILROAD CORPORATIONS.

Chap. 106

Be it enacted, &c., as follows:

SECTION 1. The annual meetings of the stockholders of all railroad corporations shall hereafter be held at some convenient place on the line of their respective roads.

Annual meetings
of railroad corpo-
rations, where to
be held.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1868.

Chap. 107 AN ACT CONCERNING STATE AID FOR DISABLED SOLDIERS AND SAILORS AND THEIR FAMILIES, AND FOR THE FAMILIES OF THE SLAIN.

Be it enacted, &c., as follows:

State aid continued to dependents of dead or disabled soldiers till 1871.

SECTION 1. The operation of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six, and chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, so far as they provide for the payment of state aid to those who were dependent upon dead or disabled soldiers or sailors, be and hereby is extended to the first day of January, in the year eighteen hundred and seventy-one.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1868.

Chap. 108 AN ACT TO INCORPORATE THE HARVARD SKATING RINK COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel K. Williams, junior, Theo. H. Seavey, Thomas G. Rice, their associates and successors, are hereby made a corporation, by the name of the Harvard Skating Rink Company, for the purpose of constructing and erecting a skating rink, to be so called; in the city of Cambridge, and maintaining such skating rink, with the buildings, appurtenances and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force, and applicable to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed the sum of twenty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real estate to the value of twenty thousand dollars, for the purposes mentioned in this act: *provided, however,* that said corporation shall not incur any liability until fifteen thousand dollars of the capital stock shall have been paid in in cash.

When liabilities may be incurred.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1868.

Chap. 109 AN ACT CONCERNING THE DEDHAM AND WEST ROXBURY RAILROAD COMPANY.

Be it enacted, &c., as follows:

Name changed to "Boston and W. Roxbury Railroad Company."

SECTION 1. The corporation called the Dedham and West Roxbury Railroad Company shall be hereafter called the Boston and West Roxbury Railroad Company, and the name of said company is hereby changed accordingly.

Western terminus of road may be changed.

SECTION 2. The said corporation is hereby authorized to make the westerly terminus of its street railroad at or near

the junction of Shawmut avenue with South street, in the town of West Roxbury, instead of the point fixed by the act establishing said corporation, and the several acts in addition thereto.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Repeal.*

SECTION 4. This act shall take effect upon its passage.

Approved April 10, 1868.

AN ACT FOR THE PROTECTION OF TROUT IN GRIST-MILL POND, IN THE TOWN OF WAREHAM. *Chap. 110*

Be it enacted, &c., as follows :

SECTION 1. No person shall take any trout from Grist-Mill Pond, near the Parker Mills Iron Works, in the town of Wareham, or the waters running into the same, at any time of the year, without permission of the proprietor or proprietors of said pond and waters. *Trout not to be taken from Grist-Mill Pond without consent of proprietors.*

SECTION 2. Any person offending against the provisions of this act, shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Plymouth. *Penalty.*

Approved April 10, 1868.

AN ACT IN ADDITION TO AN "ACT DECLARING AND CONFIRMING THE INCORPORATION OF THE PROPRIETORS OF THE MEETING-HOUSE IN HOLLIS STREET IN THE TOWN OF BOSTON." *Chap. 111*

Be it enacted, &c., as follows :

SECTION 1. The second section of an act passed on the fourth day of March, in the year eighteen hundred and nine, entitled "An Act declaring and confirming the incorporation of the proprietors of the meeting-house in Hollis street in the town of Boston," is hereby amended, so that the committee of said proprietors shall consist of twelve persons, or of such number, not exceeding twelve and not less than five, as may from time to time be fixed by the by-laws of said proprietors, and said committee shall constitute the board of assessors. *Committee of proprietors to consist of twelve persons, or not more than twelve and less than five, as fixed by by-laws.*

SECTION 2. The fourth section of said chapter is hereby amended by striking out the words "and assessors," wherever they occur. *To be board of assessors.*

SECTION 3. This act shall take effect upon its passage.

Amendment.
Approved April 10, 1868.

AN ACT LEGALIZING THE DOINGS OF THE TOWN OF PALMER AT ITS ANNUAL MEETING IN MARCH, EIGHTEEN HUNDRED AND SIXTY-EIGHT. *Chap. 112*

Be it enacted, &c., as follows :

SECTION 1. The doings of the town of Palmer at their annual meeting, holden on the sixteenth day of March, in the *Doings of annual town meeting of Palmer confirmed*

year of our Lord one thousand eight hundred and sixty-eight, are hereby made valid, as the same would have been, provided the meeting had been regularly called in the manner provided by said town.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1868.

Chap. 113 AN ACT TO INCORPORATE THE SANDISFIELD BAPTIST SOCIETY, AND CONFIRM CERTAIN ACTS CONNECTED THEREWITH.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Orlo Burt, Henry O. Burt, James H. Merrill, their associates and successors, are hereby made a corporation under the name of the Sandisfield Baptist Society, in Sandisfield; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name.

Powers and duties.

Real and personal property.

SECTION 2. Said corporation may hold real and personal property to the amount of twenty-five thousand dollars.

All former rights and interests confirmed.

SECTION 3. All rights and interests in and to any property, real or personal, acquired by the Sandisfield Baptist Society, as heretofore organized, by purchase, gift, bequest or otherwise, are hereby confirmed and vested in the corporation hereby chartered, any informalities under said former organization to the contrary notwithstanding.

Approved April 10, 1868.

Chap. 114 AN ACT TO INCORPORATE THE TRUSTEES OF THE CHAPEL OF THE GOOD SHEPHERD.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Josiah G. Abbott, George H. Peters, George P. Denny, their associates and successors, are hereby made a body corporate for religious and charitable purposes, in the city of Boston, by the name of the Trustees of the Chapel of the Good Shepherd; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force, relating to such corporations.

Name and purpose.
Powers and duties.

Trustees.

Vacancies.

SECTION 2. The number of said trustees shall not be less than seven nor more than fifteen: they shall have power to fill vacancies in their own number, and to determine, from time to time, within said limits, the number of said trustees.

May maintain and let lodging-houses, and establish Protestant Episcopal Churches in Boston.

SECTION 3. Said corporation may erect, hold, maintain and let lodging-houses within the city of Boston, upon such terms and conditions as it may determine, subject to the laws of the Commonwealth; and also erect, hold and estab-

lish churches or chapels in said city for public religious worship: *provided*, such worship shall be conducted therein according to the standards, laws, rites and usages of the Protestant Episcopal Church of the United States of America.

SECTION 4. Said corporation may hold real and personal estate to the amount of two hundred thousand dollars, the whole income of which shall be devoted to religious and charitable uses.

Proviso.
Estate; income devoted to religious and charitable uses.

SECTION 5. This act shall take effect upon its passage.

Approved April 10, 1868.

AN ACT TO REPEAL SECTION THREE OF CHAPTER ONE HUNDRED AND THIRTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN, CONCERNING STATE AID.

Chap. 115

Be it enacted, &c., as follows:

SECTION 1. The third section of chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, is hereby repealed.

1867, 186, § 8, repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1868.

AN ACT TO REVIVE AN ACT TO INCORPORATE THE EVERETT INSURANCE COMPANY.

Chap. 116

Be it enacted, &c., as follows:

SECTION 1. Chapter sixty-three of the acts of the year eighteen hundred and sixty-seven, incorporating the Everett Insurance Company, is hereby revived, and the time for organizing said corporation is hereby extended to the eleventh day of March, in the year eighteen hundred and sixty-nine.

Charter revived, and time for organizing extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1868.

AN ACT TO INCORPORATE THE SUFFOLK AND TREMONT MILLS.

Chap. 117

Be it enacted, &c., as follows:

SECTION 1. George H. Kuhn, J. Thomas Stevenson, Charles H. Parker, their associates and successors, are hereby made a corporation by the name of the Suffolk and Tremont Mills, for the purpose of manufacturing goods of cotton, wool and other textile materials, in the city of Lowell; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or may hereafter be in force, relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may purchase and hold the real and personal estate now owned by the Suffolk Manufacturing Company and the Proprietors of the Tremont Mills, and may pay therefor the fair market value thereof in

May purchase estate of Suffolk Manufacturing Co. and Tremont Mills, and pay for it in stock at par.

Capital stock and shares.

stock of this corporation at par, and may hold other real estate to an amount not exceeding three hundred thousand dollars; and the whole capital stock shall not exceed fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1868.

Chap. 118

AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO EXTEND THE LAWRENCE BRANCH OF ITS RAILROAD INTO THE CITY OF LAWRENCE.

Be it enacted, &c., as follows:

Eastern R.R. may extend Lawrence branch from N. Andover to their depot in Lawrence.

SECTION 1. The Eastern Railroad Company is hereby authorized to extend the Lawrence branch of its railroad from a point in North Andover, at or near its present terminus; thence across the Boston and Maine Railroad to the northerly and along the northerly and easterly side thereof, and across the Merrimac River to the depot grounds now owned by the said Eastern Railroad Company on Essex Street in said city of Lawrence; with the right to enter with its road upon and use the Boston and Maine Railroad in Lawrence according to law, and with the right to said Boston and Maine Railroad to enter with its road upon and use the said Lawrence branch in said Lawrence, according to law.

May enter upon and use Boston and Maine Railroad.

Powers and duties.

SECTION 2. Said Eastern Railroad Company, in and upon said extension, shall have all the powers and privileges, and be subject to all the duties and liabilities provided by the general statutes relating to railroads. And said Eastern Railroad Company may increase its capital stock by an amount not exceeding three hundred thousand dollars beyond the amount now authorized by law.

\$300,000 additional capital stock.

Location of extension.

SECTION 3. The centre line of the location of said extension across the centre line between the tracks of the Boston and Maine Railroad shall be at a point three hundred and fifty feet westerly of the westerly end of the present passenger depot building at North Andover; and the Boston and Maine Railroad shall, at their own expense, lower the grade of their railroad at said point one and a half feet below the present rail surface thereof; and the said crossing shall be by an overhead bridge, not less than twelve and a half feet above the present rail surface of the Boston and Maine Railroad, so that said overhead bridge shall be not less than fourteen feet in the clear above the rail surface of the Boston and Maine Railroad after it is lowered as aforesaid; and the face of the abutments at the grade of the rails of the Boston and Maine Railroad shall be not less than thirty feet apart,

Boston and Maine Railroad to lower grade of road.

measured at right angles to the centre line of the Boston and Maine Railroad: *provided*, that if said Boston and Maine Railroad does not accept this section of this act within one year from the passage thereof, then said crossing may be at grade; and *provided, further*, that if the Boston and Maine Railroad and the Eastern Railroad Company shall agree upon any other form or conditions or place of crossing between said depot and the Shawsheen River, such crossing may be made in conformity with such agreement.

Condition,

Further condition.

SECTION 4. Between the Shawsheen River and the bridge of the Boston and Maine Railroad across the Merrimac River, the location of said railroad shall be not more than thirty feet in width, and adjoining the location of the Boston and Maine Railroad, and the grade of the road, when built, between Osgood Street and said bridge, shall be the same as that of the Boston and Maine Railroad. And all bridges across the streets and canals, either now built or laid out on the plans of the Essex Company, shall be built and maintained by the railroad company; and no piers shall be constructed in either canal, nor any abutment to project beyond the canal walls.

Location between Shawsheen River and Boston and Maine Railroad bridge over Merrimac.

Bridges over streets and canals.

SECTION 5. Nothing in this act shall authorize the Eastern Railroad Company to sever or unreasonably obstruct the connection of the Boston and Maine Railroad with the private branch tracks laid or to be laid over land of the Essex Company, subject to their consent, on the margin of their canals, for the conveyance of cars to the several manufacturing establishments there located. The Eastern Railroad Company may make all reasonable regulations for the passage of freight cars across its track, between said canal tracks and the tracks of the Boston and Maine Railroad; and in case of any disagreement, the supreme judicial court shall have power upon the application of the Essex Company, the Boston and Maine Railroad or the Eastern Railroad Company, to appoint commissioners, to regulate the said crossings. But no regulations shall be made requiring passenger trains on the Eastern Railroad, upon their regular time to stop at said crossings, and no charge shall be made by said Eastern Railroad Company for freight or cars so passed across their track.

Connection between Boston and Maine Railroad and private tracks of Essex Company not to be severed.

In case of disagreement between roads, S. J. Court to appoint commissioners to regulate crossings.

SECTION 6. This act shall take effect upon its passage.

Approved April 18, 1868.

AN ACT TO INCORPORATE THE TRUSTEES OF THE PEABODY ACADEMY OF SCIENCE.

Chap. 119

Be it enacted, &c., as follows:

SECTION 1. Asa Gray, of Cambridge, William C. Endicott, of Salem, George Peabody Russell, of Salem, Othniel

Corporators.

C. Marsh, of New Haven, in the state of Connecticut, Henry Wheatland, of Salem, Abner C. Goodel, junior, of Salem, James R. Nichols, of Haverhill, and Henry C. Perkins, of Newburyport,—surviving persons named as trustees in an instrument of trust given to Francis Peabody and others by George Peabody, of London, on the twenty-sixth day of February, in the year eighteen hundred and sixty-seven,—together with S. Endicott Peabody, of Salem, and such other persons as shall be, in accordance with the terms of said instrument of trust, elected to fill any vacancies thereunder, are hereby made a corporation in the county of Essex, by the name of The Trustees of the Peabody Academy of Science, for the promotion of science and useful knowledge; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or may hereafter be in force, and applicable to such corporations: *provided*, that they shall not be subject to any duties or liabilities inconsistent with said instrument of trust.

Name and purpose.

Powers and duties.

Proviso.

May control trust funds given by George Peabody.

Real and personal estate.

May hold other property, subject to instrument of trust.

Condition.

Upon dissolution of corporation, property to vest in trustees.

SECTION 2. Said corporation may hold, invest and control the money given by said George Peabody by the instrument of trust before mentioned, and any proceeds from the same; may assume, succeed to and carry out all contracts and agreements made by said trustees under said instrument of trust; and may hold real and personal estate to an amount not exceeding three hundred and fifty thousand dollars.

SECTION 3. Said corporation is hereby authorized to take and receive, by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal, to have and to hold the same for themselves and their successors, upon the terms and for the purposes specified in the instrument of trust aforesaid; and also upon such terms and for such purposes and trusts as may be expressed in any deed or instrument of conveyance, or gift, to them made: *provided*, the same shall not be inconsistent with the terms and purposes of the instrument of trust executed to them by the said George Peabody.

SECTION 4. Upon the dissolution of this corporation, its rights and properties shall be and vest in the aforesaid board of trustees, under said instrument of trust from George Peabody, subject only to be taken to pay the debts of the said corporation.

SECTION 5. This act shall take effect upon its passage.

Approved April 13, 1868.

AN ACT TO EMPOWER THE MARSHPEE MANUFACTURING COMPANY TO HOLD ADDITIONAL REAL ESTATE. *Chap. 120*

Be it enacted, &c., as follows :

SECTION 1. The Marshpee Manufacturing Company is hereby authorized to hold and improve real estate in the district of Marshpee, not exceeding ten thousand dollars in value, in addition to the amount allowed by the act of incorporation of said company, granted by the legislature of the year eighteen hundred and sixty-seven: *provided*, that the additional amount held under this bill shall not exceed ten acres in extent; and *provided, further*, that the same shall be held and improved in accordance with the provisions of chapters forty-one and two hundred seven of the acts of the year eighteen hundred and sixty-seven.

\$10,000 additional real estate.

Conditions.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1868.

AN ACT TO CHANGE THE NAME OF THE TOWN OF SOUTH DANVERS. *Chap. 121*

Be it enacted, &c., as follows :

SECTION 1. The town of South Danvers, in the county of Essex, shall take the name of Peabody.

Name changed to Peabody.

SECTION 2. This act shall not take effect unless accepted by a majority of the legal voters of said town, present and voting thereon by ballot, at a special meeting held upon notice given at least seven days before the time of said meeting. And the polls shall be opened at nine o'clock in the forenoon of said day, and shall not be closed before four o'clock in the afternoon of said day, nor remain open longer than till six o'clock in the afternoon of said day.

Subject to the approval of the legal voters of South Danvers.

SECTION 3. It shall be the duty of the selectmen of said town to certify and return as soon as may be, the number of ballots in favor of the acceptance of this act, and the number of ballots against the acceptance of the same, to the secretary of the Commonwealth. And if it shall appear that a majority of such ballots is in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Selectmen to return the result of the vote to the secretary of the Commonwealth.

SECTION 4. Said meeting shall be held within ninety days from the passage of this act.

When to be voted on.

Approved April 13, 1868.

AN ACT TO CHANGE THE NAME OF THE VINEYARD SOUND RAILROAD COMPANY, AND FOR OTHER PURPOSES. *Chap. 122*

Be it enacted, &c., as follows :

SECTION 1. The Vineyard Sound Railroad Company shall be hereafter called and known by the name of the Plymouth and Vineyard Sound Railroad Company; and said company is hereby authorized to extend the railroad already authorized

Name changed to "Plymouth and Vineyard Sound Railroad Company."

May extend road to terminus of Old Colony and Newport Railway Co. in Plymouth.

May build wharves at Wood's Hole in Falmouth.

\$300,000 additional capital stock.

May cross highways and Cape Cod Railroad at grade.

May enter upon and unite with, also lease to Old Colony and Newport Railway Co. and Cape Cod Railroad Co.

May issue bonds.

Bonds may be guaranteed by Old Colony and Newport Railway Co. and Cape Cod Railroad Co., and road mortgaged as security.

from Monument Village in the town of Sandwich, through the towns of Sandwich and Plymouth and the easterly portion of the town of Wareham, if said company shall deem it advisable, in a northerly or north-westerly direction, to the terminus of the Old Colony and Newport Railway Company in the town of Plymouth, and to locate, construct, maintain and operate the same; and said company is further authorized to build and maintain at Wood's Hole, so called, in the town of Falmouth and at the head of Buzzard's Bay, in tide-water, such wharf or wharves as may be necessary for the transaction of the business of the company and the transshipment of its freight and passengers at said places; and, for the purposes above named, said company is hereby authorized to increase its capital stock by an amount not exceeding three hundred thousand dollars.

SECTION 2. Said company may cross with its railroad highways and townways at such grade and in such manner as the county commissioners of the county wherein such crossing may occur shall specify and direct, and the railroad of the Cape Cod Railroad at grade.

SECTION 3. Said company may enter with its road upon, unite the same with and use the railroad of the Old Colony and Newport Railway Company and the railroad of the Cape Cod Railroad Company, upon the terms provided by the general laws relating to railroad corporations; and it may also lease its road and other property to either of said companies for such period and upon such terms as may be agreed upon, and each of said companies is hereby authorized to accept such lease whenever agreed upon by the parties.

SECTION 4. Said company is hereby authorized to issue bonds for the purpose of constructing or equipping its road, the amount thereof not to exceed the amount of the capital stock paid in, in the same manner and with the same restrictions provided in the sixty-third chapter of the General Statutes; and the Old Colony and Newport Railway Company and the Cape Cod Railroad Company, respectively, are hereby authorized to guarantee, indorse, or become responsible for the payment of the principal and interest of said bonds or any part thereof; and said Plymouth and Vineyard Sound Railroad Company is hereby authorized to convey its road, franchise and other property to the Old Colony and Newport Railway Company or to the Cape Cod Railroad Company, in mortgage, in order to secure such company against any loss, damage or expense, that may arise by reason of guaranteeing, indorsing or becoming responsible

for the payment of the principal and interest of said bonds as above provided.

SECTION 5. The towns of Plymouth, Falmouth, Sandwich, Edgartown, Chilmark and Tisbury, are hereby severally authorized, when so voting at legal town meetings duly called for the purpose, to subscribe for and hold shares in the capital stock of said company, to an amount not exceeding five per centum of the assessed valuation of said towns, respectively; and said towns may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Plymouth, Sandwich, Falmouth, Edgartown, Chilmark and Tisbury may take stock in road, and raise money by loan or taxation to pay for same.

SECTION 6. The selectmen of the towns of Plymouth, Sandwich, Falmouth, Edgartown, Chilmark, and Tisbury, respectively, shall have authority to represent said towns, respectively, at any and all meetings of said Plymouth and Vineyard Sound Railroad Company, and said towns, so represented, are hereby authorized to vote on the whole amount of the stock held by said towns respectively, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen may represent the towns at meetings of company.

SECTION 7. The fifth section of the one hundred and ninety-sixth chapter of the acts of the year eighteen hundred and sixty-one, and the proviso contained in the one hundred and fourth chapter of the acts of the year eighteen hundred and sixty-five, are hereby repealed.

Repeal.

SECTION 8. Unless the Plymouth and Vineyard Sound Railroad Company shall file the location of the extended railroad authorized by this act, within two years, and complete the construction thereof within four years from the passage hereof, this act shall be void.

Location to be filed within two years, and construction completed within four years.

SECTION 9. This act shall take effect upon its passage.

Approved April 13, 1868.

AN ACT TO INCORPORATE THE MASSACHUSETTS SPIRITUALIST ASSOCIATION.

Chap. 123

Be it enacted, &c., as follows:

SECTION 1. Lysander S. Richards, George A. Bacon, Edward S. Wheeler, their associates and successors, are hereby incorporated as a religious society, by the name of the Massachusetts Spiritualist Association, in Boston; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation shall have power to hold and manage any estate, real or personal, to the amount of

\$100,000 in real and personal estate, to be used

for religious purposes.

one hundred thousand dollars: *provided* the same be appropriated exclusively to religious purposes.

Approved April 13, 1868.

Chap. 124

AN ACT TO ESTABLISH THE POLICE COURT OF FITCHBURG.

Be it enacted, &c., as follows :

Police court established in Fitchburg.

SECTION 1. A police court is hereby established in the town of Fitchburg; and said town shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided in respect to existing police courts, except the police court of Worcester and the municipal court of Boston, by the one hundred and sixteenth chapter of the General Statutes, and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county and town treasurers for the money paid into court as forfeitures or otherwise, and the required returns applicable to the several police courts in the Commonwealth, except those before mentioned, shall apply to the police court of Fitchburg hereby established.

—to be governed by general laws regarding police courts.

—to consist of one standing justice and two special justices.

SECTION 2. The said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Salary of standing justice and compensation of special justices.

SECTION 3. The standing justice of said court shall receive an annual salary of thirteen hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices, for duties performed by them, shall be such as is provided by law in similar cases.

Proceedings already commenced before trial justices not to be affected.

SECTION 4. All proceedings duly commenced before any trial justice or justice of the peace for the county of Worcester, within said district, before this act shall take effect, shall be prosecuted and determined as if this act had not been passed.

When act to take effect.

SECTION 5. This act shall take effect, so far as the appointing, commissioning and qualifying the standing justice and special justices of said court are concerned, upon its passage; and it shall take full effect in thirty days from its passage.

Approved April 13, 1868.

AN ACT TO INCORPORATE THE MUSIC HALL ASSOCIATION OF WORCESTER.

Chap. 125

Be it enacted, &c., as follows :

SECTION 1. Harrison Bliss, E. B. Stoddard, Francis H. Kinnicutt, their associates and successors, are hereby made a corporation by the name of the Music Hall Association of Worcester, for the purpose of erecting a building in Worcester, and maintaining the same, for the purpose of a music hall, and for lectures and other lawful purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock not exceeding fifty thousand dollars, divided into shares of one hundred dollars each, and may hold, for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1868.

AN ACT CONCERNING THE PRESERVATION OF CERTAIN BIRDS.

Chap. 126

Be it enacted, &c., as follows :

The eighty-second chapter of the General Statutes is hereby amended by striking out in the third line of the first section thereof, the word "fourth," and inserting in place thereof the word "fifteenth;" and by striking out in the fourth line of said section the word "July," and inserting in place thereof the word "September."

G.S., Chap. 82, § 1, concerning preservation of birds and animals, amended.

Approved April 15, 1868.

AN ACT AUTHORIZING THE BUILDING OF A SIDE-TRACK TO CONNECT WITH THE HANOVER BRANCH RAILROAD.

Chap. 127

Be it enacted, &c., as follows :

SECTION 1. George Curtis, of Hanover, is hereby authorized to construct and maintain a side-track or tracks, to connect his iron works in said town of Hanover with the Hanover Branch Railroad, subject to the provisions of all laws which now are or may hereafter be in force relating to railroads crossing highways.

Side track in Hanover to connect iron works with Hanover Branch Railroad.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1868.

AN ACT TO AMEND "AN ACT FOR THE RE-STOCKING OF MYSTIC RIVER AND ITS TRIBUTARIES WITH FISH."

Chap. 128

Be it enacted, &c., as follows :

SECTION 1. The one hundred and forty-ninth chapter of the acts of the year one thousand eight hundred and sixty-seven, entitled "An Act for the re-stocking of Mystic River

Act amended for re-stocking Mystic River with fish

and its tributaries with fish," is hereby amended by adding to the second section thereof the words following, viz.: "*provided*, that the several committees for the preservation of fish mentioned in the fourth section, may take such fish as may be required to re-stock the said river and tributaries;" and also, by adding to the fourth section, after the word "Cambridge," the word "Woburn."

Proviso.

Penalty for placing substances injurious to fish in Mystic River or Pond.

SECTION 2. Any person who shall place or cause to be placed in the waters of Mystic River or of its tributaries, or of Mystic Pond, or who shall cause to flow into said waters, any substance which may destroy or injure the fish therein, shall be punished by a fine not exceeding fifty dollars for each offence.

Approved April 16, 1868.

Chap. 129

AN ACT TO INCORPORATE THE WEST NEWBURY CHAPEL ASSOCIATION.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Moses P. Stanwood, Moses H. Poor and James B. Kelley, their associates and successors, are hereby made a corporation, as a religious society, under the name of the West Newbury Chapel Association, in West Newbury; with all the privileges and powers, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

\$10,000 in real and personal property.

SECTION 2. Said corporation may hold real and personal property to the amount of ten thousand dollars.

Approved April 16, 1868.

Chap. 130

AN ACT TO REGULATE FISHING IN CONNECTICUT RIVER.

Be it enacted, &c., as follows:

Penalty for taking shad from the Connecticut River within certain times.

SECTION 1. Any person who shall take, or who shall aid or assist in taking from the Connecticut River any shad at any other time than between the fifteenth day of March and the fifteenth day of June in each year, shall forfeit and pay for each offence the sum of one hundred dollars.

Penalty for taking salmon from the Connecticut River before Mar. 15, 1872.

SECTION 2. Any person who shall take, or aid or assist in taking from the Connecticut River any salmon before the fifteenth day of March, in the year one thousand eight hundred and seventy-two, shall forfeit and pay for each offence the sum of fifty dollars.

Commissioners not prohibited from taking fish for propagation.

SECTION 3. Nothing in this act contained shall apply to the taking of any fish by order of the fish commissioners for the purpose of artificial or natural propagation of the same.

Fish wardens to be appointed and compensation fixed.

SECTION 4. The mayor and aldermen of any city, and the selectmen of any town, bordering on the Connecticut River, shall appoint and fix the compensation of one or more

suitable persons as fish wardens within their respective cities and towns, who shall make complaint of all offences under this act.

Approved April 17, 1868.

AN ACT TO CONFIRM THE DEED OF BENJAMIN H. ANDREWS, EXECUTOR OF THE WILL OF JAMES ANDREWS.

Chap. 131

Be it enacted, &c., as follows:

SECTION 1. The deed of Benjamin H. Andrews, one of the executors of the will of James Andrews, to Abraham Kimball and Winthrop Sargent, bearing date the fifteenth day of June, in the year one thousand eight hundred and forty-three, and recorded in the registry of deeds for the county of Essex, in book three hundred and thirty-eight, at leaf thirteen, shall be valid to pass an estate in fee simple in and to the lands therein described.

Deed of Benjamin H. Andrews, executor, confirmed

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1868.

AN ACT TO PROVIDE FOR PERPETUATING THE EVIDENCE OF THE PAYMENT OF SUCCESSION TAXES.

Chap. 132

Be it enacted, &c., as follows:

SECTION 1. Registers of deeds shall record receipts of United States collectors of internal revenue for succession taxes, or other evidence of the payment of said taxes, on the application therefor of the successor or his legal representatives, the party applying for such record having first made affidavit of the genuineness of such receipt, or evidence, before a justice of the peace, or other person qualified to take acknowledgment of deeds.

Evidence of the payment of succession taxes to U. S. collectors of internal revenue to be recorded by registers of deeds.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1868.

AN ACT RATIFYING THE SALE OF THE FRANCHISE AND PROPERTY OF THE CAPE COD CENTRAL RAILROAD COMPANY TO THE CAPE COD RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Chap. 133

Be it enacted, &c., as follows:

SECTION 1. The purchase of the franchise and property of the Cape Cod Central Railroad Company, by the Cape Cod Railroad Company, approved and ratified by the stockholders of said companies at meetings held for that purpose on the fourteenth day of March, in the present year, is hereby confirmed and made valid; and the railroad of the Cape Cod Railroad Company is hereby extended upon and over the location of the Cape Cod Central Railroad Company, as heretofore made and filed, from Yarmouth to Orleans, in the county of Barnstable.

Purchase of Cape Cod Central Railroad by Cape Cod Railroad Company confirmed.

Cape Cod Railroad Company may increase capital stock.

SECTION 2. The said Cape Cod Railroad Company is hereby authorized to increase its capital stock by the amount of five thousand shares: *provided*, that no share shall be issued for a less sum, to be paid in in cash, than the par value of the shares in said corporation, as heretofore established. And said company is hereby authorized to issue to said Cape Cod Central Railroad Company, or its order, thirteen hundred and thirty-three shares of said stock, as part of the consideration for the purchase aforesaid, and to endorse and guarantee any outstanding bonds of said Cape Cod Central Railroad Company, not exceeding in amount the sum of one hundred and twenty-five thousand dollars, as further part of the consideration of said purchase.

May issue stock to Cape Cod Central Railroad Co. and guarantee bonds.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1868.

Chap. 134

AN ACT TO INCORPORATE THE HYANNIS SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Ephraim N. Winslow, R. S. Pope, Alexander Baxter, their associates and successors, are hereby made a corporation, by the name of the Hyannis Savings Bank, to be located at Hyannis, in the town of Barnstable; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, applicable to institutions for savings.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1868.

Chap. 135

AN ACT TO AMEND THE CHARTER OF THE "NEEDLE WOMAN'S FRIEND SOCIETY."

Be it enacted, &c., as follows:

\$50,000 in real and personal property.

SECTION 1. The "Needle Woman's Friend Society," a corporation established by chapter twenty-five of the acts of the year eighteen hundred and fifty-one, is hereby authorized to hold real and personal property to the amount of fifty thousand dollars, instead of the amount named in said charter.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1868.

Chap. 136

AN ACT TO INCORPORATE THE NAUMKEAG MUTUAL FISHING INSURANCE COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles C. Pettingill, Alfred Walen, Henry F. Pitman, their associates and successors, are hereby made a corporation by the name of the Naumkeag Mutual Fishing Insurance Company, to be established in the city of Salem, for

Name and purpose.

the purpose of making insurance against maritime losses of fishing vessels, and their outfits, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force, relating to such corporations.

Powers and duties.

SECTION 2. No policy shall be issued until application shall be made for one hundred thousand dollars to be insured, and no division of any profits, remaining in the hands of the company, shall be made, so long as the company shall be held accountable for any policy issued by them.

When policies may be issued, and division of profits may be made.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1868.

AN ACT CONCERNING THE REAL ESTATE OF THE METHODIST EPISCOPAL CHURCHES IN NATICK.

Chap. 137

Be it enacted, &c., as follows:

SECTION 1. The deed of Aaron Fisk, William M. Bruce, Isaac Jennison, John M. Fisk, N. E. Drew and Frederic Balcom, trustees of the First Methodist Episcopal Church in Natick, to the trustees of the Second Methodist Episcopal Church in Natick, dated the tenth day of October, in the year one thousand eight hundred and sixty-seven, shall be deemed to be a valid conveyance in fee simple of the meeting-house and land therein described.

Sale of meeting-house and land of First Methodist Episcopal Church in Natick, confirmed.

SECTION 2. Franklin Stevens, Elbridge Howe, James M. Beal, Simeon Hardy, Henry H. McCracken, Henry J. Shattuck, Robert Best, John M. Fisk and William M. Bruce, trustees of the Second Methodist Episcopal Church in Natick, and their successors, are hereby authorized, by the deed of a majority of such trustees, to sell and convey the said meeting-house and land in fee, in such manner as they may deem expedient: *provided*, that the proceeds of such sale, after the payment of the debts of the Second Methodist Episcopal Church, shall be applied to the purchase or improvement of other real estate for the uses set forth in the aforesaid deed.

Trustees Second Methodist Episcopal Church in Natick may sell meeting-house and land; proceeds of sale, how to be applied.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1863.

AN ACT TO AUTHORIZE THE ESSEX SAVINGS BANK IN THE CITY OF LAWRENCE, TO HOLD REAL ESTATE.

Chap. 138

Be it enacted, &c., as follows:

SECTION 1. The Essex Savings Bank, located in the city of Lawrence, is hereby authorized to hold real estate to the amount of thirty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the

May hold \$30,000 in real estate for banking house. *Proviso.*

purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1868.

Chap. 139

AN ACT TO INCORPORATE THE TOWN OF HYDE PARK.

Be it enacted, &c., as follows:

Town composed
of parts of Dor-
chester, Dedham
and Milton.

Boundaries.

SECTION 1. All the territory now within the towns of Dorchester, Dedham and Milton, in the county of Norfolk, comprised within the following limits, that is to say: beginning at the north-easterly side of Paul's Bridge, so called, where it crosses Neponset River from Milton to Dedham; thence running down the Neponset River by the thread of the stream to a point two thousand and thirteen feet below the lower side of Paul's Bridge; thence by a line running north sixty-six and one-third degrees east (magnetic,) five thousand three hundred and forty-four feet, to a point in the field north-west of E. W. Capen's house, and measuring one hundred and fifteen feet on a course south, eighty-seven degrees east (magnetic,) from an oak tree; thence north ten degrees (magnetic,) two thousand seven hundred and eight feet to the boundary wall of land of James M. Robbins; thence by said wall and a continuation thereof north twenty-five and one-third degrees west (magnetic,) one thousand seven hundred and fifty-seven feet to the Neponset River; then running north-easterly by a straight line passing from said last mentioned point, through a point distant fifty feet north-westerly from the north-westerly corner of the house of Amor Hollingsworth to Neponset River; then running north-easterly, following the said Neponset River to a point where the line of the said river intersects a straight line drawn from a point on the westerly line of Brush Hill Road, distant eleven hundred feet south-westerly from the junction of Brush Hill Road and Brush Hill Turnpike to a point on the Boston, Hartford and Erie Railroad, distant fourteen hundred feet north-easterly from the railroad bridge over River Street in Dorchester at the station on said railroad now called River Street Station; then crossing the said Neponset River in continuation of the said line, and continuing north-westerly in the same course, and in a straight line, to the present boundary line between Dorchester and West Roxbury; then running south-westerly on the present boundary line between Dorchester and West Roxbury, to a monument on the present boundary line

between Dorchester and Dedham, being the extreme westerly point of the present town of Dorchester; then running south-easterly on the present boundary line between the towns of Dedham and Dorchester, one hundred and nine rods, to a monument on a hill, being one of the monuments between the towns of Dedham and Dorchester; then running southerly in a straight line to a point in the centre of the Boston, Hartford and Erie Railroad, distant one hundred and forty-six rods westerly from the point where the centre line of said railroad crosses the centre line of the Boston and Providence Railroad at Readville, so called; then running south-easterly in a straight line to a monument on Neponset River, at the corner of the towns of Milton, Canton and Dedham, being the extreme northerly point of the town of Canton; then running north-easterly on said river to the point of beginning: is hereby incorporated into a town by the name of Hyde Park; and said town of Hyde Park is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Powers and
duties.

SECTION 2. The inhabitants of said town of Hyde Park shall be holden to pay all arrears of taxes which have been legally assessed upon them by the towns of Dorchester, Milton and Dedham, respectively; and all taxes heretofore assessed and not collected, shall be collected and paid to the treasurers of the towns of Dorchester, Milton and Dedham, respectively, in the same manner as if this act had not been passed; and until the next general valuation of estates in this Commonwealth, the town of Hyde Park shall annually pay over to the said towns of Dorchester, Dedham and Milton, respectively, the proportion of any state or county tax which the said towns of Dorchester, Dedham and Milton, respectively, may be required to pay upon the inhabitants or estates hereby set off; said proportion to be ascertained and determined by the respective valuations of the said towns of Dorchester, Dedham and Milton, next preceding the passage of this act.

Taxes.

SECTION 3. Said towns of Dorchester, Milton, Dedham and Hyde Park shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

Support of pau-
pers.

SECTION 4. The towns of Dorchester, Milton, Dedham and Hyde Park shall retain and own the corporate property within their respective limits, and the town of Hyde Park

Corporate prop-
erty.

Debts.

shall not be liable for any portion of the debts of the other three towns, nor be entitled to any of their corporate property except that included within its limits.

**Provisions for
choice of state
and federal off-
icers.**

SECTION 5. The town of Hyde Park, for the purpose of electing representatives to congress, senators and representatives to the general court and members of the governor's council, until the next decennial census, or until another apportionment be made, shall remain a part of said towns of Dorchester, Milton and Dedham, respectively, and vote therefor at such places, respectively, as the said towns of Dorchester, Milton and Dedham shall vote; and the selectmen of Hyde Park shall make a true list of all persons within their town qualified to vote at every such election, and shall post up the same in said town of Hyde Park, and shall correct the same as required by law, and shall deliver a true list of all such voters as are entitled to vote in said towns of Dorchester, Milton and Dedham, respectively, to the selectmen thereof, seven days at least before such election, to be used thereat.

**Certain streets
may be extended,
and, when com-
pleted, to be pub-
lic ways of Mil-
ton.**

SECTION 6. The selectmen of the town of Hyde Park, subject to the approval of the inhabitants according to law, may extend any public streets, highways or townways, running south-easterly from Neponset River, which it may lay out and make within its own limits to any point or points on Brush Hill Road, in the town of Milton, south-westerly of the land now owned by James M. Robbins; and all parts of such streets and ways which may be within the town of Milton shall become public ways of Milton, whenever they shall have been laid out and completed by the town of Hyde Park to the satisfaction of the county commissioners of the county of Norfolk.

**First meeting for
choice of town of-
ficers, how called.**

SECTION 7. Any justice of the peace within and for the county of Norfolk may issue his warrant, directed to any principal inhabitant of the town of Hyde Park, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town, seven days at least before such meeting. Such justice, or in his absence, such principal inhabitant, shall preside until the choice of moderator in said meeting. The selectmen of the towns of Dorchester, Milton and Dedham shall, before said meeting, prepare a list of voters from their

respective towns within said Hyde Park qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

SECTION 8. This act shall take effect upon its passage.

Approved April 22, 1868.

AN ACT TO INCORPORATE THE WHITIN MACHINE WORKS.

Be it enacted, &c., as follows :

SECTION 1. John C. Whitin, Josiah Lasell, John M. Whitin, their associates and successors, are hereby made a corporation by the name of the Whitin Machine Works, for the manufacture of castings, and various kinds of machinery ; also, for the manufacture of fabrics from cotton and other fibrous materials, in the town of Northbridge, in the county of Worcester ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which are now or may hereafter be in force relating to manufacturing corporations.

SECTION 2. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares of one hundred dollars each ; and said corporation may hold such real and personal estate, as may be necessary or convenient for the purposes set forth in this act, and shall not commence business until five hundred thousand dollars of its capital stock shall have been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1868.

AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows :

SECTION 1. No person shall sell, or expose or keep for sale, intoxicating liquors, unless he is authorized to sell the same in the manner provided in this act : *provided*, that the maker of cider and native wines may sell the same not to be drunk on his premises ; and *provided, also*, that the importer of liquor of foreign production, imported under authority of the laws of the United States, may own, possess, keep or sell the same in the original casks or packages in which it was imported, and in quantities not less than the quantities in which the laws of the United States require such liquor to be imported ; and *provided, further*, that nothing herein contained shall apply to sales made by sheriffs, deputy sheriffs, coroners, constables, collectors of taxes, executors, administrators, guardians, assignees in insolvency or bankruptcy, or any other person required by law to sell personal property.

SECTION 2. The county commissioners for the several counties shall license to be sellers of intoxicating liquors within each city or town in their respective counties, one or more

Chap. 140

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

Chap. 141

Intoxicating liquors not to be sold without a license.

Cider and native wines may be sold without a license by maker. Importers of foreign liquors may sell in original packages.

Sales may be made by certain officials.

County commissioners to license sellers in every town.

persons, being applicants therefor, and as many other such persons as in their opinion the public convenience may require, upon the terms and conditions hereinafter provided.

License commissioners to license in counties of Suffolk and Nantucket.

Term of office.

SECTION 3. The powers and duties of the county commissioners under this act, shall, for the counties of Suffolk and Nantucket, be vested in and discharged by three license commissioners for each county. The said commissioners shall be chosen by the people of said counties at an election to be held on the third Tuesday of May next, to hold office, one for one year, one for two years, and one for three years, from the first day of January, in the year one thousand eight hundred and sixty-eight, and until their respective successors shall be qualified; and thereafter shall be chosen at the regular November election in each year, one commissioner for each of said counties, to hold office for the term of three years, from the first Wednesday of January following his election, and until his successor is qualified. Vacancies occurring in the office of license commissioner shall be filled at the next November election, for the unexpired term, and the governor, by and with the advice and consent of the council, shall appoint a commissioner to hold office during the interval.

Vacancies, how filled.

Compensation.

The said license commissioners shall be paid from the treasury of the counties aforesaid, five dollars each, with their necessary travelling expenses, stationery, clerk hire and office rent, for every day actually employed in the duties of their office, and they may appoint a clerk and fix a reasonable sum as his salary.

Licenses, to whom may be granted and upon what terms.

SECTION 4. Licenses shall be granted only to the following classes of persons, for the purposes, and on payment of the fees hereafter named, to wit:

First. Licensed innholders, to sell to be drunk on the premises, who shall pay a fee of one hundred dollars.

Second. Licensed common victuallers, to sell to be drunk on the premises, who shall pay a fee of one hundred dollars.

Third. Liquor dealers engaged in no other business in connection therewith, to sell not to be drunk on the premises, who shall pay a fee of one hundred dollars.

Fourth. Liquor dealers engaged in no other business connected therewith, to sell to be drunk on the premises, who shall pay a fee of one hundred dollars.

Fifth. Grocers, apothecaries and druggists: to sell not to be drunk on the premises, who shall pay a fee of fifty dollars.

Sixth. Brewers and distillers. Brewers and distillers may sell intoxicating liquors, of their own manufacture, and at their place of manufacture, or their regular place of busi-

ness, in quantities of not less than thirty gallons, the whole to be exported from the state, and no part thereof to be used therein, and the burden shall be upon such persons, in any proceeding under this act, to prove that the sale was for exportation, as aforesaid. Brewers and distillers may be licensed to sell not to be drunk on the premises, for a fee of one hundred dollars. Any person or persons, non-residents of this Commonwealth, engaged in selling, trading or vending intoxicating liquors, and any hawker, peddler, or travelling agent, engaged in selling for any person or persons, who are non-residents of this Commonwealth, or who have no licensed place of business established therein, are hereby prohibited from making sales, offering for sale, vending, trading, or contracting, in any manner whatsoever, in intoxicating liquors, within the limits of this Commonwealth. And any person so selling, offering for sale, vending, trading or contracting, shall be liable to a fine not exceeding five hundred dollars, and imprisonment not exceeding six months.

Non-residents and their agents, and persons not licensed, prohibited from selling liquors.

Penalty.

SECTION 5. If any person having a license to sell to be drunk on the premises shall be found to have been at the time the license was granted engaged in or shall afterwards engage in the business of a grocer, apothecary, druggist, brewer or distiller, on the premises described in his license, or in any place connected therewith, his license shall thereby be forfeited, and he shall not be licensed for a period of one year after the expiration of the term of the forfeited license, and no license shall be granted to be exercised on the premises described in the license so forfeited, for the residue of the term thereof.

License to sell to be drunk on the premises, how forfeited.

SECTION 6. The inhabitants of any city or town may, on the third Monday in May next, and thereafter, at their regular annual meeting for the choice of city or town officers, vote that no license shall be granted in such town or city, which will authorize the sale, to be drunk on the premises, of either distilled or fermented liquors, or both. In which case the commissioners shall grant no such license, except to licensed innholders to sell to their actual and *bond fide* guests.

Not to be granted, except to licensed innholders, when cities and towns so vote

SECTION 7. Every license shall be signed by the major part of the commissioners and recorded; shall bear the date of the day when issued; shall specify the building in which sales of liquors are authorized to be made, and where practicable, the part of the building; and whether said liquors may or may not be drunk on the premises of the person licensed; and shall expire on the first day of May, unless sooner adjudged to be void. One dollar shall in all cases be

License, by whom to be signed, when to bear date, to specify building, whether liquors may be drunk on premises, and when to expire.

Clerk's fee.

paid to the clerk of the commissioners, by the person receiving the license, in addition to the fee herein provided.

Commissioners to report to city and town authorities licenses they intend to issue: if objected to not to issue until after full hearing had.

SECTION 8. It shall be the duty of the commissioners to report to the mayor and aldermen of each city, and to the selectmen of each town, within their respective counties, the licenses they intend to issue within such city or town; which report shall be made fourteen days before the license would take effect. And if the mayor and aldermen or the selectmen shall, before the time for the license to take effect, in writing object to any license on the ground of the personal unfitness of the licensee to exercise the license in question, such license shall not be issued unless such commissioners, after a full hearing, shall otherwise determine.

Provisions concerning forfeiture of license.

SECTION 9. It shall be the duty of the commissioners to revoke any license upon proof satisfactory to them that the licensee has violated, or permitted to be violated, any of the provisions of this act, after a summary hearing of the licensee, or notice and reasonable opportunity for him to be heard. After such revocation, the licensee shall not be licensed for one year after the expiration of the term of the license so revoked; and no license shall be granted to be exercised on the premises described in the license so revoked, for the residue of the term of the revoked license. And the commissioners shall give to the municipal authorities of any city or town, notice of the revocation of any license granted to be exercised therein.

Liquors to be drunk on premises not to be sold between twelve at night and five in the morning.

SECTION 10. A license to sell intoxicating liquors, to be drunk on the premises of the person licensed, shall confer no authority to sell between the hours of twelve o'clock in the night and five o'clock in the next morning, nor during any part of the Lord's day: *provided, however*, that innholders shall have the right at all times to furnish their guests with any article which they shall by license be authorized to sell, but not to keep or maintain a public bar on the Lord's day; and *provided*, that apothecaries and druggists may sell liquors at such times, on a requisition of a licensed medical practitioner therefor, made out and signed during the prohibited period or periods, not to be drunk on the premises.

Innholders and druggists excepted.

Intoxicated persons and minors.

SECTION 11. No licensed person shall sell intoxicating liquor to any intoxicated person, or to any person under twenty-one years of age.

Fees for licenses, to whom paid and how applied.

SECTION 12. All fees for licenses under this act shall be paid to the commissioners of the respective counties wherein the same are granted; and the said commissioners shall, on the first day of every alternate month, beginning with the month of June in each year, pay over to the treasurer of

each town or city one-half of the fees received by them for licenses, to be exercised in such town or city, and the residue of their receipts to the treasurer of the Commonwealth; and any officer neglecting to make such payment shall forfeit the sum of fifty dollars for each and every day said sum received by him as aforesaid shall be retained in violation of this section.

Penalty for neglect.

SECTION 13. The several commissioners shall, on the first day of every alternate month, beginning with the month of June in each year, return to the secretary of the Commonwealth the name of each person licensed, his place of residence, the date and character of his license, and the amount of his license fee. Any officer neglecting to make such return shall forfeit and pay the sum of fifty dollars for each offence.

Return to secretary of the Commonwealth.

Penalty.

SECTION 14. The said commissioners, and the mayor and aldermen of any city, and the selectmen of any town, and any police officer or constable specially authorized by them, may at any time enter upon the premises of any persons licensed under this act, to ascertain the manner in which such persons conduct their business, and to preserve order therein. And such officers may at any time take samples for analysis from any liquors kept by such licensed persons; and in case said liquors are found to be pure or of good quality, the expense of such analysis shall be paid by the treasurer of the city or town whose officers demanded the analysis; but if such liquors are found to be impure or of bad quality, the expense of the analysis shall be paid by the licensed person, and may be recovered upon a complaint made by the treasurer of the city or town in which said samples were taken, against such licensed person, who shall thereupon forfeit his license, and shall not be licensed again within three years, and no license shall be granted to be exercised on the premises described in the license so forfeited, for the residue of the term thereof. Proceedings for the recovery of the expense of said analysis, and for the decree of forfeiture of said license, may be had before any municipal or police court, or any trial justice, and such court or justice may also order such liquors, found to be impure or of bad quality, to be destroyed.

Officers may enter premises of licensed persons, may take liquors for analysis; expense of analysis, how paid.

Impure liquors to be destroyed.

SECTION 15. When any person, by the excessive use of intoxicating liquor, injures his health, exposes his family to want or violence, or the town or city of his settlement to expense, the mayor and aldermen and the selectmen of such town or city, shall, in writing, forbid any licensed person to sell or deliver to him any such liquor, for the residue

City and town authorities may prohibit sale of liquor to certain persons.

of the year of his license; and they may, in like manner, forbid any person licensed in any other city or town, to sell or deliver such liquor to such person, during the time aforesaid; and said prohibition shall be recorded by the city or town clerks, in a record book of said city or town, and the mayor and aldermen and selectmen, shall, in like manner, from year to year, renew such prohibition, as to such persons as, in their opinion, shall not have reformed.

Penalty for selling to prohibited person.

SECTION 16. If any person during the time of such prohibition, and having notice thereof, whether by the official notice aforesaid or otherwise, shall give or sell to, or purchase or procure for or in behalf of, any such prohibited person, any intoxicating liquor, he shall be punished by a fine not exceeding fifty dollars, or imprisonment in the house of correction for a term not exceeding six months.

Compensation to wife, minor children and others, for loss or injury from selling to prohibited person.

SECTION 17. A married woman may have an action of tort in her own name, against any person who has sold or given to, or purchased or procured for her husband any liquors, in violation of the two preceding sections, and may recover compensation for any loss or injury accruing to her thereby, and whatever she may recover shall be her own property; and any child of a person living with, and dependent in whole or in part upon said person to or for whom any liquor may have been sold, given, purchased or procured in violation of the two preceding sections, may have a like action in his own name, or if a minor in the name of guardian or next friend, and may recover compensation for any loss or injury accruing to him thereby, and whatever may be recovered shall be his own property. And any person may have a like action to recover compensation for any loss or injury accruing to him by means of any such sale, gift, purchase, or transfer in violation of the two preceding sections.

Penalties.

SECTION 18. Any person convicted of a violation of any of the provisions of this act, shall be punished by a fine not exceeding five hundred dollars, and confinement at hard labor in the house of correction not exceeding six months.

Any licensed person so convicted, shall in addition to said penalties forfeit his license, and shall not again be licensed for the period of one year after the expiration of the term of his license; and no license shall be granted to any person under this act to be exercised on the premises described in the said forfeited license during the residue of the term thereof.

Proceedings in case terms of this act are violated.

SECTION 19. If a violation of the terms or provisions of this act shall be committed on the premises in which a license

is authorized to be exercised, the licensee shall forfeit his license, unless he shall satisfy the authorities having power to revoke the same or to decree it forfeit, that the violation took place without his knowledge and against his will, and that he had used due care and diligence to prevent the occurrence thereof. In case of a violation of any of the terms of the license or of any of the provisions of this act, the license may be revoked by the commissioners, as provided in this act, or it may be decreed forfeit as part of the judicial decree or judgment where proceedings are had before any court or justice for any other purpose named in this act, and the pendency of such proceedings shall not suspend or interfere with the authority of the commissioners to revoke the same.

SECTION 20. The delivery of intoxicating liquor in or from any building, booth, stand or other place, except a private dwelling-house, or in or from any private dwelling-house, if any part thereof or its dependencies is used as an inn, eating-house or shop of any kind, or other place of common resort,—such delivery in either case being to any person not *bonâ fide* a resident therein,—shall be *prima facie* evidence that such delivery is a sale of intoxicating liquors.

What to be deemed evidence of a sale.

SECTION 21. The terms intoxicating liquors or liquors in this act shall be construed to include ale, porter, strong beer, lager beer, cider and all wines, as well as distilled spirits.

What to be deemed "intoxicating liquors."

SECTION 22. Every person licensed as aforesaid, shall keep a true account of the liquors consigned to him for sale, or purchased by him, and the original bills of sale or invoices of the same, specifying the name and place of business of the person of whom the same were purchased, and the date of each purchase and the price thereof; and he shall, before the first day of every alternate month, beginning with the month of May in each year during which such license shall be in force, return to the treasurer of the city or town within which the business under such license is carried on, a true account, under oath, of all liquors sold, given away or disposed of by him during the then preceding two months, with the true value thereof, according to the price at which the same were sold; and he shall thereupon within the five days from and after the said first days of every alternate month respectively, pay to said treasurer or to the collector of taxes of said city or town, at their offices respectively, the following tax upon the value of the liquors so sold, given away or disposed of, to wit: innholders, common victuallers, and liquor dealers selling to be drunk on the premises, two per cent.; brewers, licensed under the fourth section of this act, and vendors of

* Licensed person to keep account of liquors consigned or purchased, to make return of sales to town treasurer, to pay tax on sales.

Proceedings in
case of false re-
turns; penalties.

malt liquors, to be carried away and not to be drunk on the premises, at the rate of five cents a barrel of thirty gallons; all other licensed persons one per centum. And in case the city or town treasurer to whom such return is made as aforesaid, shall have reason to suspect or believe that the said return is false or fraudulent, and shall so declare under oath, the person making such return shall, when requested, produce to the said treasurer, or to any other person or persons by him duly authorized to examine the same, his books and accounts showing the amount of his purchases, consignments and sales, and his bills and vouchers therefor, and shall make true answers in writing, to be signed by him and under oath, to any questions proposed to him by said treasurer or other person or persons duly authorized by him as aforesaid, in relation to said liquors and his dealings in respect to the same. A failure to make any return or payment required to be made under this section, or to comply with any other of the provisions of the same, or any false swearing in such return, or in the answers to the questions which may be proposed as aforesaid, shall be a forfeiture of said license, and upon satisfactory evidence thereof, said commissioners shall revoke and annul the same, and no license shall be granted to the licensee for the period of one year after the expiration of the term of the license so revoked.

Proceedings when
returns and pay-
ments are not
made.

SECTION 23. If any person licensed under the provisions of this act shall fail to make the returns and payments required by the twenty-second section of this act, or shall make a false return, or false answers to any questions proposed to him by the treasurer, as therein provided, it shall be the duty of the collector of taxes of said city or town, or his deputy, to make complaint thereof to the commissioners, and he shall give seasonable notice to the licensee to appear before said commissioners, and answer to such complaint; and the said commissioners, if such complaint shall be established to their satisfaction, shall revoke said license; and they shall also determine whether any tax still remains due and unpaid from such licensee, and shall fix the amount thereof at their discretion; and they shall deliver to the collector of taxes of said city or town, or his deputy, a warrant for the collection of said tax, and the collector shall have for this purpose all the powers conferred on him by law for the collection of taxes on personal property.

Taxes, how col-
lected.

Deputy collector
of taxes to give
bonds.

SECTION 24. Collectors of taxes may for the purposes of this act appoint deputies, who shall give such bonds for the faithful discharge of their duties as the mayor and aldermen or selectmen may think proper. They shall within ten days

after the said first days of May and November in each year, make return to the treasurer aforesaid of the amounts of money received or collected by them under this act, and pay the same to said treasurer, who shall within thirty days thereafter pay over one-half thereof to the treasurer of the Commonwealth, and any treasurer of any city or town neglecting to make such payment shall forfeit the sum of fifty dollars for each day said sum of money so received by him shall be retained in violation of this section.

Penalty on town treasurer for neglect to pay over to the Commonwealth.

SECTION 25. The municipal courts of any cities, trial justices in their respective counties, and police courts within their districts, shall have jurisdiction concurrent with the superior court over all violations of the provisions of this act.

What courts have jurisdiction.

SECTION 26. The eighty-sixth chapter of the General Statutes, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

[The foregoing Act having been laid before the Governor on the seventeenth of April, and not being returned by him with his objections within five days after receiving the same, as prescribed by the Constitution, became a law, and "will take effect on the thirtieth day next after" the 23d of April inst.]

AN ACT TO AUTHORIZE THE TOWN OF SUNDERLAND TO SUBSCRIBE FOR AND HOLD STOCK IN THE SUNDERLAND BRIDGE CORPORATION.

Chap. 142

Be it enacted, &c., as follows:

SECTION 1. The town of Sunderland, in the county of Franklin, is hereby authorized to subscribe for and hold shares in the capital stock of the Sunderland Bridge Corporation, to an amount not exceeding four per cent., of the assessed valuation of said town: *provided*, the inhabitants of said town, at a legal meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to subscribe for such shares in accordance with the provisions of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Sunderland may take stock in Sunderland Bridge Corporation, upon a two-thirds vote in legal meeting.

SECTION 2. Said town is hereby authorized to raise by loan, tax or bonds, any and all sums of money which shall be necessary to pay its subscription to said stock, and for its proportion of repairs of said bridge, whenever the income from tolls of said bridge shall be insufficient to keep the same in proper condition for travel.

May raise money by tax to pay subscription and repairs.

SECTION 3. The selectmen of said town shall have authority to represent said town, at any and all meetings of said bridge corporation, and are hereby authorized to vote on the whole

Selectmen may represent town in corporation meetings.

amount of the stock so held by said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1868.

Chap. 143

AN ACT CONCERNING SIDEWALKS IN THE CITY OF LAWRENCE.

Be it enacted, &c., as follows :

Sidewalks may be constructed by city of Lawrence and expense charged upon abutters.

SECTION 1. Whenever the mayor and aldermen of the city of Lawrence shall deem it expedient to construct sidewalks, or complete any partially constructed sidewalks, in any street of said city, they are hereby authorized to construct or complete such sidewalks with edge-stones, and in front of buildings or occupied premises to cover the same with brick or flat stones, or other appropriate materials; and they are further authorized to cover such sidewalks in front of vacant lots of land with brick, plank or other appropriate material; and the expense of such edge-stone and covering materials shall be assessed upon the abutters in just proportions, and shall constitute a lien upon the abutting lots of land, and be collected in the same manner as taxes on real estate now are; and such sidewalks when constructed and covered as aforesaid shall afterwards be maintained at the expense of the city.

When to take effect.

SECTION 2. This act shall take effect whenever accepted by the city council of the city of Lawrence by a two-thirds vote of each branch thereof.

Approved April 29, 1868.

Chap. 144

AN ACT TO INCREASE THE CAPITAL STOCK OF THE NAUMKEAG STEAM COTTON COMPANY.

Be it enacted, &c., as follows :

\$1,500,000 additional capital stock.

SECTION 1. The Naumkeag Steam Cotton Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding the sum of fifteen hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1868.

Chap. 145

AN ACT CONCERNING THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Boston, Hartford and Erie Railroad Company declared to be a corporation.

SECTION 1. The Boston, Hartford and Erie Railroad Company heretofore created in the state of Connecticut, by the legislature thereof, and acting within this Commonwealth and recognized by acts heretofore passed by its legislature, is hereby declared to be a corporation by that name and vested with all the franchises, powers and privileges,

and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations; and the acts of said company in forming a union or connection with one or more railroad companies in the states of Rhode Island, Connecticut and New York, with a view of creating a continuous line of railroad from Boston to connect with the railroad of the Erie Railway Company in New York, and the deeds, leases, contracts and arrangements in respect to the same, so far as they affect the said continuous line in this Commonwealth and the union of this corporation with said companies, be and the same are hereby ratified and confirmed as fully as if the same had originally been made or done under and by virtue of a special law of this Commonwealth. And the said Boston, Hartford and Erie Railroad Company is hereby substituted in the place and vested with all the franchises, rights, property and powers, and is subject to all the duties and liabilities of the Southern Midland Railroad Company, which was created by an act of this Commonwealth passed the twenty-eighth day of March, in the year eighteen hundred and sixty-three. But nothing in this act shall affect, or in any way impair any outstanding liens, mortgages or other claims or incumbrances upon either or any of said railroad companies, or their franchises or property.

Certain acts of company confirmed.

Substituted in place of Southern Midland Railroad Company.

Claims against roads not to be impaired.

SECTION 2. The capital stock of said Boston, Hartford and Erie Railroad Company shall not exceed the sum of twenty-five million dollars, without the consent of this Commonwealth.

Capital stock.

SECTION 3. The commissioners appointed and qualified under the act of this Commonwealth passed May twenty-seventh, in the year one thousand eight hundred and sixty-seven, to aid in the construction of the Boston, Hartford and Erie Railroad, are hereby authorized and empowered to examine upon oath by deposition, affidavit or otherwise, all such persons as witnesses, whose testimony they may deem important in aiding them to execute the duties of their office; and all such witnesses shall be subject to the provisions of the second section of the one hundred and sixty-third chapter of the General Statutes.

Commissioners may examine witnesses under oath.

SECTION 4. This act shall not take effect till it has been accepted by the company at a meeting of the stockholders called for the purpose of voting on the question of said acceptance.

When to take effect.

Approved April 29, 1868.

Chap. 146 AN ACT TO INCORPORATE THE NEPTUNE WOOLEN MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Augustus C. Carey, Hugh K. Moore, George W. Cochrane, their associates and successors, are hereby made a corporation by the name of the Neptune Woolen Manufacturing Company, for the purpose of manufacturing woven and knit fabrics of wool or cotton, or in part of wool, cotton, silk, flax or other like material, in the city of Lawrence; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

Real estate. SECTION 2. Said corporation may hold for the purposes aforesaid, real estate necessary and convenient for its business to an amount not exceeding three hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until one hundred thousand dollars of its capital stock shall have been paid in in cash.

Capital stock and shares. SECTION 3. This act shall take effect upon its passage.

Proviso. *Approved April 29, 1868.*

Chap. 147 AN ACT TO INCORPORATE THE BOSTON SKATING RINK ASSOCIATION.

Be it enacted, &c., as follows :

Corporators. SECTION 1. John Rindge, N. B. Stevens, Charles E. Fuller, their associates and successors, are hereby made a corporation by the name of the Boston Skating Rink Association, for the purpose of constructing and erecting a skating rink, so called, in the city of Boston, and maintaining such skating rink, with the buildings, appurtenances and improvements, connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in general laws which now are or may hereafter be in force, and applicable to such corporations.

Name and purpose. SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real estate to the value of fifty thousand dollars, for the purposes mentioned in the first section: *provided, however,* that said corporation shall not incur any liability until thirty thousand dollars of the capital stock shall have been paid in in cash.

Powers and duties. SECTION 3. This act shall take effect upon its passage.

Capital stock and shares. *Approved April 29, 1868.*

Real estate.

Proviso.

AN ACT TO INCORPORATE THE WESTFIELD STREET RAILWAY COMPANY.

Chap. 148

Be it enacted, &c., as follows :

SECTION 1. Cutler Laffin, Edward B. Gillett, William G. Bates, their associates and successors, are hereby made a corporation by the name of the Westfield Street Railway Company, for the purpose of constructing and using a street railroad from the depot grounds of the Boston and Albany Railroad to the village of Westfield; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to street railroad corporations.

SECTION 2. The capital stock of said corporation shall not exceed the sum of ten thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1868.

AN ACT TO INCORPORATE THE BOSTON MUSICIANS' RELIEF FUND SOCIETY.

Chap. 149

Be it enacted, &c., as follows :

SECTION 1. Carl Zerrahn, Luke Murphy, William C. Nichols, their associates and successors, are made a corporation by the name of the Boston Musicians' Relief Fund Society, in Boston, for promoting the cultivation of music, and for mutual assistance and instruction; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force and applicable to such corporations.

SECTION 2. The corporation may hold real and personal estate for its purposes to an amount not exceeding twenty thousand dollars.

Approved April 29, 1868.

AN ACT TO AMEND THE CHARTER OF THE BOSTON CHILDREN'S AID SOCIETY.

Chap. 150

Be it enacted, &c., as follows :

SECTION 1. The charter of the Boston Children's Aid Society is hereby so amended that the number of directors may be such as the society shall determine from time to time, being not less than nine other members besides the president, vice-presidents, treasurer and clerk.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1868.

AN ACT TO INCORPORATE THE NONANTUM HORSE RAILROAD COMPANY.

Chap. 151

Be it enacted, &c., as follows :

SECTION 1. Miles Pratt, Nathaniel Whiting, James F. Simons, junior, their associates and successors, are hereby made a corporation by the name of the Nonantum Horse Railroad Company, with authority to build, maintain and

Horse railroad from village of Watertown to village of Newton Corner.

Powers and duties.

Capital stock and shares.

use a horse railroad from the village of Watertown to the village of Newton Corner, beginning at or near the flag-staff opposite the Spring Hotel, in Watertown, and running to a point nearly opposite to Lowe's apothecary store, in said Newton Corner; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relative to street railway corporations.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of the par value of one hundred dollars each.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1868.

Chap. 152 AN ACT EXTENDING THE TIME FOR THE CONSTRUCTION OF THE BROOKLINE AND BACK BAY STREET RAILWAY COMPANY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Charter continued upon certain conditions.

SECTION 1. The charter of the Brookline and Back Bay Street Railway Company is hereby continued in force, and shall not become void: *provided*, any part of the track authorized to be constructed by said corporation shall be constructed within three years from the date of the passage of said charter; and *provided*, the remainder of the track shall be constructed within two years from the passage of this act.

May contract with other horse railroad corporations to operate portions of road, and transfer franchises.

SECTION 2. The said corporation may contract with any existing horse railroad corporation, to run and operate so much of its railroad as lies in Providence street and Berkeley street, and in Boylston street east of the west line of Clarendon street, and in streets north of Boylston street in the city of Boston, and may transfer to such corporation so much of its franchise, rights, tracks and other corporate property and interests as may be needful to give full effect to such contract or transfer; and such corporation shall thereafter have, as to the part so transferred, all the rights and privileges, and be subject to all the duties and liabilities in regard thereto, which it would have had if such franchises and rights had been originally granted to such corporation.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1868.

Chap 153 AN ACT TO ESTABLISH AN ADVISORY BOARD OF WOMEN TO THE TRUSTEES OF THE STATE INDUSTRIAL SCHOOL FOR GIRLS AT LANCASTER.

Be it enacted, &c., as follows :

Advisory board of three competent women to

SECTION 1. The governor, with the advice and consent of the council, shall, before the first day of July next, appoint

three competent women as an advisory board to the trustees of the Industrial School for Girls at Lancaster, subject to removal in like manner, who shall hold their offices from the dates of their respective appointments, and for the terms of one, two and three years, respectively, from the first day of July next. Before the first day of July, in each year, one member of said board, shall be, in like manner, appointed for the term of three years from said day. Upon the occurrence of a vacancy before the expiration of a term, an appointment shall be made for the remainder of the term.

be appointed by
governor and
council.

Term of office.

Vacancies.

SECTION 2. Said advisory board shall hold meetings at least once in each month, and at least one member of said board shall visit said school not less than once in every two weeks. Said board shall, prior to the quarterly meetings of the board of trustees, make a report to said trustees, with such suggestions and recommendations as they shall deem expedient and proper.

Duties of the
board.

SECTION 3. Said advisory board shall receive no compensation for their services, but their actual expenses shall be paid by the Commonwealth.

Expenses to be
paid.

Approved April 29, 1868.

AN ACT TO INCORPORATE THE FIRST NATIONAL FIRE INSURANCE COMPANY OF WORCESTER.

Chap. 154

Be it enacted, &c., as follows :

SECTION 1. E. A. Goodnow, Hartley Williams, R. C. Taylor, their associates and successors, are hereby made a corporation by the name of the First National Fire Insurance Company, in the city of Worcester, for the purpose of making insurance against loss by fire ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, relating to such corporations.

Corporators.

Name and pur-
pose.

Powers and
duties.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock and
shares.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1868.

AN ACT TO INCORPORATE THE ROLLSTONE CONGREGATIONAL SOCIETY.

Chap. 155

Be it enacted, &c., as follows :

SECTION 1. Moses Wood, David Boutelle, Alfred Hitchcock, their associates and successors, are hereby made a corporation as a religious society, by the name of the Rollstone Congregational Society, in Fitchburg ; with all the privileges and subject to all the liabilities, duties and restrictions which

Corporators.

Name and pur-
pose.

Powers and
duties.

now are or may hereafter be in force in this Commonwealth, relating to such corporations.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal property to the amount of one hundred thousand dollars, for parochial and religious purposes.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1868.

Chap. 156

AN ACT TO AUTHORIZE THE TOWN OF TRURO TO CONSTRUCT A DIKE.
Be it enacted, &c., as follows:

May construct dike across Pamet River.

SECTION 1. The town of Truro is hereby authorized to construct and maintain a dike, for the purposes of a highway across Pamet River, in said town, where the bridge known as "Wilder's Bridge" now stands.

To maintain suitable culvert.

SECTION 2. Said town shall be required to construct and maintain a suitable culvert or sluiceway under said dike: *provided*, the same shall be necessary for the proper drainage of the meadows above said dike.

Construction of culvert to be enforced if necessary by superior court.

SECTION 3. The superior court may, upon the petition of any party interested in said meadows, determine whether the construction of such culvert or sluiceway is necessary for the purpose aforesaid, and may make any necessary orders or decrees for the construction and maintenance of the same, and compel by proper process the execution thereof.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1868.

Chap. 157

AN ACT FOR THE RESTOCKING OF IPSWICH RIVER AND ITS TRIBUTARIES WITH FISH.

Be it enacted, &c., as follows:

Alewives and shad not to be taken from Ipswich River or Wenham Pond for three years.

SECTION 1. The right to take alewives or shad from Ipswich River or its tributaries, or from Wenham Pond, shall be and is hereby suspended for the period of three years next ensuing, and no net, seine or weir shall be set therein during said period.

Penalty.

SECTION 2. Any person violating the provisions of this statute shall forfeit one dollar for every alewife or shad so taken.

When prosecutions to commence.

SECTION 3. All prosecutions under this act shall be commenced within thirty days from the time of committing the offence.

Approved April 29, 1868.

Chap. 158

AN ACT FOR THE PROTECTION OF SEA-FOWL IN THE WATERS OF BARNSTABLE.

Be it enacted, &c., as follows:

Sea-fowl protected upon south shore of Barnstable.

SECTION 1. No person shall drive, chase or pursue with boats, in any of the waters within or bordering upon the south shore of the town of Barnstable, any of the birds commonly called sea-fowl.

SECTION 2. Any person offending against the provisions of the preceding section, shall forfeit and pay for each offence a fine of not more than five dollars, to be recovered by prosecution before any court of competent jurisdiction. *Penalty.*

Approved April 29, 1868.

AN ACT PROVIDING FOR THE PAYMENT OF THE SALARY OF THE ASSISTANT-CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON, FOR CIVIL BUSINESS.

Chap. 159

Be it enacted, &c., as follows :

SECTION 1. The salary of the assistant-clerk of the municipal court of the city of Boston, for civil business, shall hereafter be paid by the county of Suffolk.

Salary to be paid by Suffolk county

SECTION 2. This act shall take effect on the first day of May next.

Approved April 29, 1868.

AN ACT EXTENDING THE PROVISIONS OF CHAPTER TWENTY-SIX OF THE GENERAL STATUTES, RELATING TO THE PRESERVATION OF THE PUBLIC HEALTH.

Chap. 160

Be it enacted, &c., as follows :

SECTION 1. When any lands in any city or town are wet, rotten or spongy, or covered with stagnant water, so as to be offensive to persons residing in the vicinity thereof, or injurious to health, the same shall be deemed to be a nuisance, and the board of health or health officer of such city or town may upon petition and hearing, abate such nuisance in the manner provided in the following sections.

Lands injurious to health or offensive to persons in vicinity, deemed a nuisance.

SECTION 2. Any one or more persons claiming to be injuriously affected by such nuisance may, by petition, describing the premises upon which such nuisance is claimed to exist, and setting out the nature of the nuisance complained of, apply to the board of health or health officer for its abatement, where upon such board of health, or health officer, shall proceed to view the premises and examine into the nature and cause of such nuisance.

Persons injuriously affected, may apply to health officers for abatement of nuisance.

SECTION 3. If upon such examination the board of health or health officer shall be of opinion that the prayer of the petition or any part thereof should be granted, he or they shall appoint a time and place for a hearing upon the petition, and before the time so appointed shall cause reasonable notice of the time and place to be given to the petitioners, the persons whose lands it may be necessary to enter upon to abate the nuisance, and any other persons who may be affected by the proceedings, and, except in those cities and towns, in which the mayor and aldermen and selectmen constitute the board of health, to the mayor and the chairman of the selectmen, that they may be heard upon the necessity and

Health officer may grant hearing and notify all parties interested

mode of abating such nuisance, and the questions of damages, and of the assessment and apportionment of the expenses thereof.

Form of notice, and how and by whom to be served.

SECTION 4. Such notice shall be in writing, and may be served by any person, competent to serve civil process, upon the mayor and chairman of the selectmen, the petitioners, the owner or occupant of any land upon which it may be necessary to enter, or which may be benefited thereby, or his authorized agent, or by leaving an attested copy of such notice at the last and usual place of abode of such persons; but if the lands are unoccupied, and the owner or agent is unknown, or without the state, the notice to such owner may be served by posting an attested copy thereof upon the premises, or by advertising in one or more public newspapers in such manner and for such length of time as the board of health or health officer may direct.

Health officers may cause nuisance to be abated, may make drains, &c.

SECTION 5. At the time and place appointed for the hearing, the board of health or health officer shall hear the parties, and after such hearing, may cause such nuisance to be abated, according to his or their discretion; and for that purpose may enter and make such excavations, embankments and drains upon any lands, and under and across any streets and ways as may be necessary for such abatement. They shall also determine in what manner and at whose expense the improvements made shall be kept in repair, and shall estimate and award the amount of damage sustained by and benefit accruing to any person by reason of such improvements, and what proportion of the expense of making and keeping the same in repair shall be borne by the city or town and by any person benefited thereby. The damages so awarded shall be paid by the city or town, and there shall be assessed to the several persons benefited by such improvements, his proportionate part, to be ascertained as before provided, of the expense of making and keeping in repair such improvements, and the same shall be included in the next city or town taxes of such persons, and shall be a lien upon the real estate benefited thereby, and be collected in the same manner as other taxes upon real estate, and shall be liable to abatement as other taxes now are.

To determine how improvements shall be kept in repair.

To award damages and benefits accruing.

Damages to be paid by city or town and assessed upon persons benefited; to be lien upon real estate benefited and collected like other taxes.

Health officers to make return to town clerk within thirty days.

Return to be recorded.

Petition may be made to superior court if health officers unreasonably refuse.

SECTION 6. The boards of health and health officer shall, within thirty days after the abatement of any nuisance in the manner herein before provided, make return to the city or town clerk, of their doings in the premises, which return shall be by him recorded in the city or town books.

SECTION 7. If the board of health or health officer shall unreasonably refuse or neglect to proceed in the matter of such petition, the petitioner may apply by petition to the

superior court or any justice thereof, who, upon a hearing and good cause shown, may appoint three commissioners, who shall proceed in the manner herein before provided.

SECTION 8. Any person aggrieved by the decision of the board of health, health officer or commissioners in their estimate and award of damages, may make complaint to the county commissioners for the county, at any time within one year after return to the city or town clerk, whereupon the same proceedings shall be had as are now provided by law in cases where persons or parties are aggrieved by the award of damages by selectmen for land taken for a town way.

Persons aggrieved in award of damages may complain to the county commissioners

Approved April 29, 1868.

AN ACT FOR THE PROTECTION OF SEA-FOWL IN THE WATERS OF TISBURY.

Chap. 161

Be it enacted, &c., as follows :

SECTION 1. No person shall drive, chase or pursue with boats, in the waters in and bordering upon the town of Tisbury, any of the birds commonly called sea-fowl.

Sea-fowl protected in Tisbury.

SECTION 2. Any person offending against the provisions of the preceding section, shall forfeit and pay for each offence, a fine of not more than five dollars, to be recovered by prosecution before any court of competent jurisdiction.

Penalty.

Approved April 29, 1868.

AN ACT TO AUTHORIZE MALACHI CLARK TO DRIVE PILES IN FORT POINT CHANNEL, IN BOSTON HARBOR.

Chap. 162

Be it enacted, &c., as follows :

SECTION 1. Malachi Clark is hereby authorized to drive nine piles on the the southerly side of Mount Washington Avenue Bridge, in Fort Point Channel, Boston Harbor, for the support of a water tank: *provided, however*, that the location of said piles shall be approved by the board of harbor commissioners, and they shall be removed by said Clark at any time on the order of said board; and *provided, further*, that said Clark shall pay into the compensation fund, established by the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, the sum of seventy-five dollars, annually, on the first day of July, during the continuance of the structure; and *provided, further*, that if the said Clark shall fail to remove the said structure on the order of the board of harbor commissioners, the same may be removed by said board, and said Clark shall be liable to the Commonwealth for the expense of such removal.

May drive piles in Boston Harbor.

Place to be approved by harbor commissioners.

Seventy-five dollars to be paid annually.

Structure may be removed by harbor commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1868.

Chap. 163 AN ACT TO CONFIRM THE ORGANIZATION OF THE BAYLEY HAT COMPANY.

Be it enacted, &c., as follows:

Organization of
Bayley Hat Com-
pany made valid.

The organization, under the general laws of Massachusetts, of the Bayley Hat Company in Newburyport, in the year one thousand eight hundred and sixty-seven, is hereby made valid; and all acts under said organization are hereby made valid and confirmed to the same extent as though said company had been legally organized. *Approved April 29, 1868.*

Chap. 164 AN ACT AUTHORIZING THE WALTHAM AND NEWTON STREET RAILWAY COMPANY TO REDUCE THE AMOUNT OF ITS CAPITAL STOCK, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

May reduce capi-
tal stock.

Time for building
extended.

SECTION 1. The Waltham and Newton Street Railway Company is hereby authorized to reduce its capital stock to thirty thousand dollars, and the time within which said company is required to build and put in operation some portion of its road, is extended to the first day of September, in the year one thousand eight hundred and sixty-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1868.

Chap. 165 AN ACT EXPLANATORY OF AN ACT TO LEVY TAXES ON CERTAIN INSURANCE COMPANIES.

Be it enacted, &c., as follows:

Tax upon insur-
ance companies,
how to be levied.

Proviso.

Returns of insur-
ance companies,
how to be made.

SECTION 1. The tax upon insurance companies provided for in sections one and two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two, shall be levied upon all premiums and assessments, after deducting therefrom, unused balances on notes taken for premiums on open policies, all sums paid for return premiums on cancelled policies, and all sums actually paid to other insurance companies incorporated under the laws of this Commonwealth, or to the agents of foreign companies located in this Commonwealth, for re-insurance on risks, for which a tax on the premium would be due had no re-insurance been effected: *provided*, nothing in this section shall be so construed as to admit of dividends in scrip or otherwise, in stock, mutual or mixed companies, to be called return premiums.

SECTION 2. Insurance companies, in making their returns under section six of the chapter named in the first section of this act, shall state the full amounts of premiums and assessments received, and deduct therefrom the sums paid for re-insurance, return premiums, and unused balances provided for in the first section of this act, and the tax shall be computed on the net amount thus actually received by said

companies for the six months preceding the time of making up said return.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1868.

AN ACT IN RELATION TO CERTAIN SINKING FUNDS OF THE COMMONWEALTH.

Chap. 166

Be it enacted, &c., as follows:

SECTION 1. For the purpose of redeeming the scrip issued under authority of chapter one hundred and eighteen, of the acts of the year eighteen hundred and sixty-three, entitled, "An Act in relation to the Coast Defences of Massachusetts," a sinking fund is hereby established, to be made up of the moneys heretofore received by the treasurer of the Commonwealth, from the sale of ordnance, purchased with the proceeds of said scrip, and of such further sum, to be paid from the portion of such proceeds, not heretofore appropriated, as will constitute a fund which shall be adequate, with its accumulations, to redeem said scrip at its maturity; and the fund so constituted, with its accumulations of interest, is hereby set apart for, and pledged to the redemption of said scrip. Whatever balance shall remain unappropriated, at the passage of this act, from the proceeds of said coast defence scrip, after providing for the sinking fund hereby authorized, shall be transferred and paid over to the bounty loan sinking fund, created under the provisions of chapter three hundred and thirteen, of the acts of the year eighteen hundred and sixty-four; and the same shall hereafter constitute a part of said fund; and if any money shall be hereafter allowed and paid to the Commonwealth, by the United States, in reimbursement of expenditures heretofore incurred for coast defences, the same shall in like manner, be paid to, and constitute a part of said bounty loan sinking fund.

Sinking fund established for redemption of scrip issued for coast defences.

Unappropriated balance from proceeds of coast defence scrip and from payments hereafter made by the U. S. for coast defences, to be transferred to bounty loan sinking fund.

SECTION 2. The union loan sinking fund, created under the provisions of chapter two hundred and nine, of the acts of the year eighteen hundred and sixty-one, and chapter eighty, of the acts of the year eighteen hundred and sixty-two, shall not be accumulated beyond the amount of the debt, for the redemption of which it is pledged; and whatever funds or moneys, applicable to said fund, have heretofore been, or shall hereafter be received, in excess of the amount of the debt aforesaid, shall be transferred to, and constitute a part of the bounty loan sinking fund mentioned in the first section of this act. The income of said union loan sinking fund, until otherwise provided by law, shall be paid into the treasury; and any premium on gold, necessary to be purchased to meet

Union loan sinking fund not to accumulate beyond debt for which it was pledged.

Excess to be transferred to bounty loan sinking fund.

Income to be paid into treasury.

Premium on gold, except for railroad debts, to be paid from unappropriated funds.

the instalments of said debt, as they mature, or to meet any other debt of the Commonwealth, except the several debts contracted for railroad purposes, shall be paid out of any funds in the treasury not otherwise appropriated.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1868.

Chap. 167 AN ACT TO AMEND "AN ACT TO INCORPORATE THE TOWN OF HYDE PARK."

Be it enacted, &c., as follows:

Act incorporating the town of Hyde Park, amended; chap. 139, 1868.

SECTION 1. Chapter one hundred and thirty-nine of the acts of the year one thousand eight hundred and sixty-eight, is hereby amended, by inserting, in the tenth line of the first section thereof, after the words "thence north ten degrees," the word "east"; and by striking out, after the words "to the Neponset River," in the fourteenth line of said first section, the words "then running north-easterly by a straight line passing from said last mentioned point, through a point distant fifty feet north-westerly from the north-westerly corner of the house of Amor Hollingsworth to Neponset River."

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1868.

Chap. 168 AN ACT TO ESTABLISH A LAW TERM OF THE SUPREME JUDICIAL COURT AT SALEM, WITHIN AND FOR THE COUNTY OF ESSEX.

Be it enacted, &c., as follows:

At Salem, first Tuesday of November.

A law term of the supreme judicial court, for entering and hearing questions of law, civil and criminal, arising in the county of Essex, shall be held at Salem, annually, on the first Tuesday of November.

Approved May 1, 1868.

Chap. 169 AN ACT TO ESTABLISH ADDITIONAL TERMS OF THE PROBATE COURTS AT NORTH BRIDGEWATER, IN THE COUNTY OF PLYMOUTH.

Be it enacted, &c., as follows:

Third Mondays of April and October.

A probate court shall be held at North Bridgewater, within and for the county of Plymouth, on the third Mondays of April and October in each year.

Approved May 1, 1868.

Chap. 170 AN ACT TO CHANGE THE NAME OF THE FIRST CONGREGATIONAL PARISH AND SOCIETY OF ORANGE.

Be it enacted, &c., as follows:

Name changed to Second Universalist Society of Orange.

SECTION 1. The name of the First Congregational Parish and Society of Orange is hereby changed to the Second Universalist Society of Orange.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1868.

AN ACT TO REPEAL AN ACT TO INCORPORATE THE PROPRIETORS OF THE QUINCY CANAL. *Chap. 171*

Be it enacted, &c., as follows :

An act entitled "An Act to incorporate the Proprietors of the Quincy Canal," approved on the twenty-sixth day of February, in the year one thousand eight hundred and twenty-five, is hereby repealed. *Act repealed.*

Approved May 1, 1868.

AN ACT TO INCORPORATE THE ASSOCIATION FOR THE BENEFIT OF NEEDLE WOMEN. *Chap. 172*

Be it enacted, &c., as follows :

SECTION 1. Charles G. Way, Henry N. Farwell, Edward Dewey, Francis French, Ellis W. Morton, their associates and successors, are hereby made a corporation by the name of the Association for the benefit of Needle Women, for the purpose of ameliorating the condition of the needle women of the city of Boston, by providing for them comfortable dwelling-places, within their means, a supply of work when ordinary sources fail, and direct relief when misfortune places them in necessitous circumstances ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force in relation to such corporations. *Corporators.*
Name and purpose.

SECTION 2. Said corporation may, for the purposes aforesaid, take by gift, devise, bequest or purchase, and hold real and personal estate to an amount not exceeding five hundred thousand dollars. *Powers and duties.*
Real and personal estate not to exceed \$500,000.

SECTION 3. Said corporation may, by vote, a certificate of which shall be duly transmitted to the secretary of the Commonwealth, alter its name at any time within one year from the passage of this act. *May alter name within one year.*

SECTION 4. This act shall take effect upon its passage.

Approved May 1, 1868.

AN ACT IN RELATION TO THE NORTH ANDOVER MILLS.

Chap. 173

Be it enacted, &c., as follows :

SECTION 1. The North Andover Mills, a corporation established by the one hundred and ninety-seventh chapter of the acts of the year eighteen hundred and sixty-seven, is hereby authorized to commence operations when one hundred thousand dollars of its capital stock is paid in. *May commence operations when \$100,000 is paid in.*

SECTION 2. The third section of the one hundred and ninety-seventh chapter of the acts of the year eighteen hundred and sixty-seven, is hereby repealed. *Chap. 197, § 8, 1867, repealed.*

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1868.

Chap. 174 AN ACT TO INCORPORATE THE CATHOLIC LYCEUM ASSOCIATION.
Be it enacted, &c., as follows :

Corporators. SECTION 1. William Byrne, David A. Ring, Joseph O. Kane, their associates and successors, are hereby made a corporation by the name of the Catholic Lyceum Association, in the city of Boston, for the purpose of instituting and maintaining a library and reading-room, advancing useful arts and sciences, and promoting public instruction by lectures or otherwise ; with all the powers and privileges, and subject to all the liabilities set forth in all general laws which now are or may hereafter be in force applicable thereto.

Name and purpose.

Powers and duties.

Real and personal estate. SECTION 2. The said corporation may hold real estate to an amount not exceeding seventy-five thousand dollars, and personal estate to an amount not exceeding ten thousand dollars, for the purposes of their incorporation.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1868.

Chap. 175 AN ACT TO INCORPORATE THE SOUTH BOSTON FREIGHT RAILWAY COMPANY.

Be it enacted, &c., as follows :

South Boston Freight Railway Company incorporated. SECTION 1. John H. Reed, Thornton K. Lothrop, J. Avery Richards, their associates and successors, are hereby made a corporation by the name of the South Boston Freight Railway Company ; with all the privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to street railway corporations, so far as they may be applicable.

May construct and use street railway under direction of board of aldermen. SECTION 2. Said corporation, in such manner as may be prescribed and directed by the board of aldermen of the city of Boston, may construct, maintain and use a street railway, with suitable turnouts, and with such tracks and branch tracks as the board of aldermen may, from time to time, permit ; the rails of said tracks to be of such pattern as the board of aldermen may prescribe, and to be also suitable for railway freight cars in common use ; commencing on the easterly end of First street in South Boston, thence through First street to I street ; thence through I street to Second street ; thence through Second street to Dorchester street ; thence across Dorchester street to First street ; thence through First street to Federal street ; thence across Federal street, Foundery street and the square between said street and avenue to land of the Old Colony and Newport Railroad Company, there to connect with the tracks of said railroad, in such manner and on such terms as may be mutually agreed upon, and with the right to connect with the tracks of the Boston,

Route of railway.

May connect with Old Colony & Newport and Boston, Hartford & Erie Railroads.

Hartford and Erie Railroad Company, in such manner and on such terms as may be mutually agreed upon: also commencing at the junction of First and Granite streets, thence through Granite street to Mount Washington avenue; thence through Mount Washington avenue to Federal street, and thence on Federal street to East street, there to connect with the tracks of the Marginal Freight Railroad Company.

SECTION 3. Said corporation may, for the authorized purposes of this act, enter upon and use the tracks of the Broadway and Metropolitan Railroad companies in Federal street, between said Mount Washington avenue and East street, and may so strengthen and improve such tracks as to make them suitable for the transportation of freight; and if the corporations cannot agree upon the manner and conditions of such entry and use, or the compensation to be paid therefor, the same shall be determined in accordance with the provisions of the twenty-ninth section of chapter two hundred and twenty-nine of the acts of the year eighteen hundred and sixty-four; but said corporation shall have no power to connect with or run over the tracks of any street railway other than the Marginal Freight Railway Company, and the Broadway and Metropolitan Railway Companies, as authorized in this section.

SECTION 4. Said railway shall be used by said corporation for the transportation of freight only, and the cars thereon shall be drawn by horse-power only, unless the use of other motive power shall be sanctioned by said board of aldermen; and said corporation shall have power to fix such tolls for the transportation of freight as they may from time to time deem expedient: *provided*, that such tolls shall only be sufficient to pay the expenses of said corporation and to pay a dividend of five per cent. semi-annually upon the capital stock of said corporation.

SECTION 5. Said corporation, to carry into effect the purposes of this act, may unite with any railway corporation on such terms as may be mutually agreed, and for this purpose shall be entitled to all the rights and privileges, and shall be subject to all the duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes, and the laws supplemental thereto, so far as the same may be applicable.

SECTION 6. Said corporation shall keep in repair, to the satisfaction of the superintendent of streets of the city of Boston, all the paving between their rails and three feet outside thereof on each side; and the board of aldermen of the city of Boston shall have full power to regulate the time and manner of running cars on said railway.

May enter upon Broadway and Metropolitan Railroad and make their tracks suitable for transportation of freight.

How to determine if they cannot agree upon terms.

Railway to be used for freight only.

Cars to be drawn by horse power, unless aldermen sanction other motive power.

Tolls.

May unite with other roads upon terms mutually agreed upon.

To keep paving in repair.

Time and manner of running cars to be regulated by aldermen.

Capital stock. SECTION 7. The capital stock of said corporation shall not exceed three hundred thousand dollars.

To take effect. SECTION 8. This act shall take effect as soon as it shall be accepted by the board of aldermen of the city of Boston.

Approved May 1, 1868.

Chap. 176 AN ACT TO INCORPORATE THE MARTHA'S VINEYARD CAMP MEETING ASSOCIATION.

Be it enacted, &c., as follows :

Corporators. SECTION 1. William B. Lawton, George F. Gavitt, John D. Flint, their associates and successors, are hereby made a corporation by the name of the "Martha's Vineyard Camp Meeting Association," to be established and located in the town of Edgartown, for the purpose of maintaining annual religious meetings on the island of Martha's Vineyard; and with all powers and privileges, and subject to all the restrictions, duties and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate. SECTION 2. Said corporation, for the purposes named in the first section of this act, may hold real and personal estate to an amount not exceeding twenty-five thousand dollars; and twenty acres of the land so owned, with the buildings, or any personal property, on said twenty acres, owned by said association and used exclusively for religious purposes, or for the care and protection of the property of the association, shall be exempt from taxation.

Certain property used for religious purposes exempt from taxation.

Other property taxable in Edgartown. SECTION 3. All buildings, booths, tents or other things erected on or affixed to the grounds of the association, except as provided in the second section, shall, for the purposes of taxation, be considered real estate and taxable in the town of Edgartown.

Agent to furnish annually list of owners of taxable property to assessors of Edgartown. SECTION 4. It shall be the duty of the agent or superintendent of the association, annually, on or before the twentieth day of May, to furnish the assessors of the town of Edgartown a true list of the names and residences of all owners of buildings or other taxable property erected upon the grounds of the association, and in default of such information, the assessors of said town may tax such property to the association.

SECTION 5. This act shall take effect upon its passage.

Approved May 1, 1868.

Chap. 177 AN ACT TO INCORPORATE THE PENOBSCOT STEAMSHIP COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. B. Heber Richardson, Luther Upton, George E. Newhall, their associates and successors, are hereby made

a corporation by the name of the Penobscot Steamship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steamships, or steam propellers, and to navigate the ocean therewith and employ the same in transporting freight and passengers between the city of Boston and Bangor, in the state of Maine, and any intermediate port or ports on Penobscot Bay or River.

May own steamships for freight and passengers between Boston and Bangor.

And said company may let by charter, one or more of their steamships or propellers to any persons: *provided*, such charter does not prevent said company from complying with the terms of this act.

Steamships may be chartered to others.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, with liberty to pay in and increase the same, by adding thereto, from time to time, an amount not exceeding two hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation shall have power to assess, from time to time, upon said shares, such sums as may be deemed necessary to accomplish the object, not exceeding the par value of said shares. No certificates of stock shall be issued until the par value thereof shall have been actually paid in, and no steamship or propeller shall be run until at least fifty thousand dollars of its capital shall have been paid in in cash.

Capital stock and shares.

Shares may be assessed.

Stock not to be issued at less than par.

When steamships may be run.

SECTION 4. Said corporation may hold real estate to an amount not exceeding fifty thousand dollars.

\$50,000 in real estate.

SECTION 5. If said corporation shall not, within one year from the passage hereof, be organized and have collected by assessments an amount equal to fifty thousand dollars of its capital stock subscribed, and shall not within two years from the passage of this act, have one or more steamships or propellers employed between said city of Boston and said port or ports, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or propellers in said business, then this act shall be null and void.

Act void unless \$50,000 is paid in within one year and steamboats running within two years, &c.

Approved May 1, 1868.

AN ACT TO INCORPORATE THE WAKEFIELD, MELROSE AND MALDEN RAILROAD COMPANY.

Chap. 178

Be it enacted, &c., as follows:

SECTION 1. David P. Ives, Cyrus Wakefield, Henry Saltonstall, their associates and successors, are hereby made a

Corporators.

corporation by the name of the Wakefield, Melrose and Malden Railroad Company; with all the powers and privileges, and subject to all the duties and restrictions set forth in the general laws which now are or may hereafter be in force relating to steam railroad corporations.

May build railroad from South Reading to Malden.

Proviso.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some convenient point in the town of South Reading; thence southerly, to some convenient point in the town of Malden: *provided*, that said railroad shall not pass over, or through any cemetery in the town of Malden.

May enter upon and unite with railroads operated by Eastern Railroad Co.

SECTION 3. Said corporation may enter with its road upon and unite the same with the roads of the Boston and Maine and South Reading Branch Railroad Companies, and any other railroad now operated by the Eastern Railroad Company; with all the rights, and subject to all the provisions and restrictions set forth in the general laws relating to steam railroad corporations.

May lease franchise to or be leased by other corporations.

Proviso.

SECTION 4. Said railroad corporation is hereby authorized to lease all its rights, franchise and property to any other similar corporation; and any other similar corporation is hereby authorized to lease all the rights, franchise and property of the said Wakefield, Melrose and Malden Railroad Company: *provided*, such lease shall be approved by two-thirds of the stockholders of each corporation respectively, present and voting at a meeting called for that purpose; and any corporation so leasing, shall hold, possess and enjoy all the powers, privileges, rights and franchise, property and estate which at the time of such purchase or lease were held and enjoyed by the two corporations respectively; and shall be subject to all the duties, restrictions, obligations and liabilities to which they were severally subject.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall be fixed at an amount not less than two hundred thousand nor more than five hundred thousand dollars; the same shall be divided into shares of one hundred dollars each.

May purchase or lease South Reading Branch Railroad.

SECTION 6. Said corporation is hereby authorized to purchase or lease the South Reading Branch Railroad, or any part thereof; and the South Reading Branch Railroad Corporation is hereby authorized to sell or lease its railroad, or any part thereof, to the Wakefield, Melrose and Malden Railroad Company, upon such terms and conditions as the directors of said corporations may agree; subject however, to the approval of three-fourths in interest of the stockholders of said corporations respectively, present and voting thereon at a legal meeting called for that purpose. And if the Wake-

field, Melrose and Malden Railroad Company shall purchase or lease as above, they shall hold, possess and enjoy all the powers, privileges, rights, franchise, property and estates which at the time of such purchase or lease were held and enjoyed by the corporations respectively, and shall be subject to all the duties, restrictions, obligations and liabilities to which they were severally subject.

Powers and duties.

SECTION 7. Said corporation shall make and maintain draws in all bridges wherever said road shall cross the navigable tide-waters of the Malden River, suitable for all vessels having occasion to pass the same. The manner of constructing said draws and the rules for the care and management thereof shall be prescribed by a commissioner to be appointed for that purpose by the governor with the advice and consent of the council.

To maintain draws in bridges over Malden River under direction of commissioner to be appointed by governor.

SECTION 8. This act shall be void unless the said railroad be located within two years, and constructed within three years from the passage hereof.

Location and construction.

Approved May 1, 1868.

AN ACT FOR THE PROTECTION OF SMELTS.

Be it enacted, &c., as follows :

Chap. 179

SECTION 1. Whoever catches any smelt from the first day of February to the first day of May in each year, in any manner whatever, or at any season of the year in any other manner than by hooks and lines or hand nets, shall forfeit twenty-five cents for each smelt so caught, to be recovered by prosecution before any trial justice or court competent try the same: *provided*, that nothing herein contained shall apply to any person catching smelt in any seine or net in Taunton Great River, while fishing for herring or alewives.

Smelts not to be caught between first days of February and May.

To be caught by hooks, lines or hand nets, at other seasons.
Penalty.
Proviso.

SECTION 2. The commissioners of river fisheries may take any kind of fish at any time for the purpose of obtaining spawn for artificial propagation of fish.

Fish may be taken at any time for artificial propagation.

SECTION 3. All prosecutions under this act shall be instituted within thirty days from the time of committing the offence.

When prosecutions to commence.

Approved May 4, 1868.

AN ACT CONCERNING PILOTAGE IN PROVINCETOWN HARBOR.

Be it enacted, &c., as follows :

Chap. 180

SECTION 1. So much of the provisions of the special regulations governing the pilots of Provincetown harbor, in the schedule contained in the one hundred and seventy-sixth chapter of the acts of the year eighteen hundred and sixty-two, as requires said pilots to keep a decked boat of not less than fifty tons, is hereby repealed.

Pilots for Provincetown Harbor not required to keep decked boat of fifty tons.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1868.

Chap. 181 AN ACT CONCERNING A CONTRACT BETWEEN THE STONY BROOK RAILROAD CORPORATION AND THE NASHUA AND LOWELL RAILROAD CORPORATION.

Be it enacted, &c., as follows :

Stony Brook Railroad may alter contract with Nashua and Lowell Railroad.

Provisos.

SECTION 1. The Stony Brook Railroad Corporation is hereby authorized to alter, extend and amend the contract existing with the Nashua and Lowell Railroad Corporation for the leasing of the railroad of the said Stony Brook Railroad Corporation, dated the second day of April, in the year eighteen hundred and sixty: *provided*, that such alteration, extension or amendment, be ratified and confirmed by the stockholders of said corporations, at meetings of said corporations, respectively, duly called for the purpose; and *provided, further*, that such contract shall not be extended beyond the first day of January, in the year eighteen hundred and ninety.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1868.

Chap. 182 AN ACT GIVING ADDITIONAL POWERS TO THE JAMAICA POND AQUEDUCT CORPORATION.

Be it enacted, &c., as follows :

Jamaica Pond Aqueduct Company may take land, enlarge Spring Pond and build dam.

Condition.

SECTION 1. The Jamaica Pond Aqueduct Corporation is hereby authorized and empowered, for the purpose of better supplying fresh water, and for saving and restraining the water that may percolate from Jamaica Pond, into what was formerly known as Spring Pond, in land now owned by said corporation, to take, hold or purchase any land near, or adjoining said land, now owned by said corporation, on the the northerly side of Perkins Street, and easterly side of Chesnut Street, and may enlarge said pond, formerly called Spring Pond, and raise a dam on said land taken or purchased, to such height as may best serve to save and restrain the water now running to waste from said Spring Pond, the better to save and supply fresh water from said Spring Pond for aqueduct purposes; but the said corporation are not authorized by this act to take land within fifty feet of any part of the stream that flows from the western side of Pond Avenue, or Chesnut Street: *provided*, that the water of said pond shall never be drawn down lower than one foot in the shallowest part, except for the purpose of repairs of the dam, or clearing out the pond.

Parties aggrieved may petition superior court for jury to assess damages.

SECTION 2. If any person or persons, or corporation, whose land or water, or water-rights, shall be taken or injured by the Jamaica Pond Aqueduct Corporation under this act, cannot agree with said aqueduct corporation upon the amount of damages to be paid for such taking or injury,

the owner or owners of any such land, water or water-rights, may apply for a jury to assess such damages, by petition to the superior court for Norfolk county, at any time within three years after such taking or injury. Such petition shall be filed in term time or vacation, in the office of the clerk of the courts, who shall thereupon issue a summons, returnable at the next term of the court, if in vacation, or if in term time, on such day as the court may order. Such summons shall be served by copy on the president of the Jamaica Pond Aqueduct Corporation, at least fourteen days before the return day, and the cause shall thereupon proceed like other civil causes in said court. And the said Jamaica Pond Aqueduct Corporation shall, within six weeks after taking any land under the provisions of this act, file in the registry of deeds for Norfolk county, a description of the land so taken, sufficiently accurate for identification.

Petition to be filed, and summons to issue.

How summons to be served.

Description of land taken to be filed in registry of deeds.

SECTION 3. This act shall be void, so far as it gives the right to take land, water or water-rights, unless the same shall have been taken within two years from the passage of this act.

Land to be taken within two years.

Approved May 8, 1868.

AN ACT IN RELATION TO THE OVERSEERS OF THE POOR OF THE CITY OF BOSTON.

Chap. 183

Be it enacted, &c., as follows:

The Overseers of the Poor in the City of Boston, a corporation duly established by law, are hereby authorized to hold personal estate not exceeding the amount of three hundred thousand dollars, in addition to the amount authorized by an act passed on the twenty-fifth day of April, in the year seventeen hundred and seventy-two, entitled "An Act for incorporating the Overseers of the Poor in the town of Boston;" and the overseers of the poor in the city of Boston, acting by virtue of the sixth chapter of the acts of the year eighteen hundred and three, entitled An Act to incorporate Oliver Wendell and others, together with the overseers of the poor of the town of Boston for the time being, by the name and title of "The trustees of John Boylston's charitable donations for the benefit and support of aged poor persons, and of orphans and deserted children," are further authorized to hold personal estate not exceeding the value of one hundred thousand dollars, in addition to the amount authorized by said last named act.

\$300,000 additional personal estate.

Trustees of John Boylston's donations may hold \$100,000 additional personal estate.

Approved May 8, 1868.

Chap. 184 AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR THE EXPENSES OF THE STATE ALMSHOUSES; THE HOSPITAL AT RAINSFORD ISLAND; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL; THE SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations
authorized.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue unless otherwise ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, eighteen hundred and sixty-eight, unless otherwise specified, to wit:

CHARITABLE.

State alms-
houses:
Tewksbury.
Monson.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding fifty-five thousand dollars.

For the current expenses of the state almshouse and primary school at Monson, a sum not exceeding forty thousand dollars.

Bridgewater.

For the current expenses of the state almshouse and state workhouse at Bridgewater, a sum not exceeding twenty-seven thousand dollars.

Hospital Rains-
ford Island.

For the current expenses of the hospital at Rainsford Island, including expenses of transportation, a sum not exceeding one thousand five hundred dollars.

Agent State
Charities, ex-
penses.

For expenses of the general agent of the board of state charities, a sum not exceeding eight hundred and fifty dollars, in addition to the appropriation heretofore made.

Clerical and
other assistance.

For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding three thousand dollars, in addition to the appropriation heretofore made.

Secretary State
Charities, ex-
penses.

For expenses of the secretary of the board of state charities, a sum not exceeding six hundred dollars, in addition to the appropriation heretofore made.

Clerical assist-
ance.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five hundred dollars, in addition to the appropriation heretofore made.

Board of State
Charities, ex-
penses.

For travelling and other expenses of the board of state charities, a sum not exceeding one thousand six hundred dollars, in addition to the appropriation heretofore made.

State lunatic
paupers.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding sixty-five thousand dollars.

For the support of state paupers by the cities and towns, a sum not exceeding three thousand dollars in addition to the appropriation heretofore made, and any additional assistance necessary for the auditing of claims for such support shall be paid out of said sum.

State paupers supported by cities and towns.

For expenses connected with the transportation of state paupers from the several hospitals and almshouses, a sum not exceeding two thousand dollars in addition to the appropriation heretofore made, and any additional assistance necessary to effect such transportation shall be paid out of said sum.

Transportation of state paupers from hospitals, &c.

For the support of pauper Indians in the district of Marshpee, for the year eighteen hundred and sixty-seven, a sum not exceeding one hundred thirty-three dollars and eighty-six cents.

Pauper Indians, Marshpee.

REFORMATORY AND CORRECTIONAL.

For the current expenses of the state industrial school for girls, a sum not exceeding fifteen thousand dollars in addition to the amount heretofore appropriated.

Industrial School, expenses.

For the current expenses of the state reform school for boys at Westborough, a sum not exceeding thirty thousand dollars, said sum to be expended solely for the current expenses of said institution; also a sum not exceeding two thousand dollars, to be applied to the purchase of beds and bedding for said institution; and no money appropriated by this act shall be expended for the erection of new buildings.

State Reform School, expenses.

—beds and bedding.

For the current expenses of the Massachusetts nautical school, a sum not exceeding thirty-four thousand dollars.

Nautical School, expenses.

MILITARY.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding eleven thousand five hundred dollars, in addition to the appropriation heretofore made.

Adjutant-general, clerical assistance.

For printing the record of Massachusetts officers and soldiers, authorized by chapter ninety-eight of the resolves of eighteen hundred and sixty-six, a sum not exceeding six thousand dollars, in addition to the appropriation heretofore made.

Soldiers' record.

For pay of officers and men at encampments, May inspections and elementary drills, a sum not exceeding one hundred twenty-one thousand five hundred dollars.

Pay for militia.

- Armory rents.** For rent of armories, a sum not exceeding twenty-seven thousand dollars.
- Military accounts.** For military accounts, a sum not exceeding eight thousand dollars.
- Orderly books, &c.** For orderly and roll-books and books of instruction, a sum not exceeding five hundred dollars.

MISCELLANEOUS.

- Repairs and furniture for State House.** For repairs, improvements and furniture ordered by the sergeant-at-arms for the state house, a sum not exceeding eight thousand seven hundred two dollars and eighty-two cents; and for the year eighteen hundred and sixty-seven, a sum not exceeding three hundred dollars, in addition to the appropriations heretofore made.
- Supplement to General Statutes.** For the publication and editing of the supplement to the General Statutes for the present year, as authorized by chapter eighteen of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding five hundred dollars for the publication, and two hundred dollars for editing the same.
- National banks.** For printing the report of shareholders in the national banks of the Commonwealth, a sum not exceeding five thousand dollars.
- Sidewalk at State Prison.** For materials and labor furnished for the construction of a sidewalk adjoining the state prison at Charlestown, a sum not exceeding six hundred forty-six dollars and thirty-three cents, which shall be allowed and paid; and for the current expenses of said institution for the year eighteen hundred and sixty-seven, a sum not exceeding six hundred eighty dollars and fifty-six cents.
- expenses.**
- Incidental expenses Secretary.** For the incidental expenses of the secretary's office for the year eighteen hundred and sixty-seven, a sum not exceeding sixty-six dollars and seventy cents.
- Warren Bridge.** For contingent expenses necessary for the maintenance of the Warren bridge, a sum not exceeding three hundred dollars, in addition to the appropriation heretofore made, the same to be paid from the Charles river and Warren bridge fund.
- Registration books, &c.** For registration books and indices for returns from cities and towns, a sum not exceeding two thousand dollars.
- Bounties to agricultural societies.** For bounties to agricultural societies, a sum not exceeding sixteen thousand five hundred forty-two dollars and ninety-three cents.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1868.

AN ACT TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MASTERS IN CHANCERY IN THE COUNTIES OF ESSEX, MIDDLESEX AND SUFFOLK. *Chap. 185*

Be it enacted, &c., as follows :

SECTION 1. The governor, by and with the advice and consent of the council, is hereby authorized to appoint two additional masters in chancery in and for each of the counties of Essex, Middlesex and Suffolk; and hereafter the number of masters in chancery for each of said counties shall be seven.

Additional masters in chancery for Essex, Middlesex and Suffolk.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1868.

AN ACT TO AUTHORIZE THE TOWN OF NORTH BRIDGEWATER TO PAY BOUNTIES TO RE-ENLISTED VOLUNTEERS UPON THE QUOTA OF SAID TOWN. *Chap. 186*

Be it enacted, &c., as follows :

SECTION 1. The town of North Bridgewater is hereby empowered to raise a sum of money, at a town meeting called for the purpose, sufficient to pay one hundred and twenty-five dollars to each of those soldiers who re-enlisted in the field upon the quota of said town, who have never received the local bounty which was offered and paid by the town to such volunteers.

North Bridgewater may raise money for bounties to re-enlisted soldiers.

SECTION 2. The sum authorized to be raised by the first section shall be assessed by the town of North Bridgewater at the next annual assessment.

Sum raised to be assessed next year.

SECTION 3. This act shall take effect upon its passage.

Approved May 8, 1868.

AN ACT TO FURTHER AMEND THE CHARTER OF THE HOWARD BENEVOLENT SOCIETY. *Chap. 187*

Be it enacted, &c., as follows :

SECTION 1. The Howard Benevolent Society may make such by-laws, rules and regulations as it may deem expedient, for establishing the conditions of membership, for regulating the number, titles and duties of its officers, for the election or appointment of such officers, and generally for the management of its affairs, and for carrying out the objects of the society, not inconsistent with the general laws of this Commonwealth.

May make by-laws in regard to membership, appointment of officers, &c.

SECTION 2. All the provisions of the act passed on the sixteenth day of February, in the year eighteen hundred and eighteen, entitled "An Act to incorporate the Howard Benevolent Society," and of the act passed on the twelfth day of April, in the year eighteen hundred and fifty-two, entitled "An Act to amend the charter of the Howard Benev-

Repeal.

olent Society in the city of Boston," inconsistent with this act, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 8, 1868.

Chap. 188 AN ACT TO INCORPORATE THE WEST AMESBURY BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Francis Sargent, William Gunnison, John S. Poyen, their associates and successors, are hereby made a corporation by the name of the West Amesbury Branch Railroad Company; with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions contained in the general laws which now are, or hereafter may be in force relating to railroad corporations.

Powers and duties.

May construct a railroad from West Amesbury, near "Four Corners," to line of New Hampshire.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some convenient point in that part of Amesbury called West Amesbury, near the Four Corners, so called; thence running westerly near the house of Joseph R. Thomas; thence more northerly, to the state line of New Hampshire, near the south corner of Newton, there to connect with any railroad which may be authorized by the laws of New Hampshire; from said state line to a point on the Boston and Maine Railroad, in New Hampshire, or from said state line to a point on the state line separating the town of Haverhill, in Massachusetts, and the town of Plaistow, in New Hampshire, near the house of James Brickett; and from said last-named point may locate, construct, maintain and operate a railroad in said town of Haverhill, to a point on the Boston and Maine Railroad, not less than one mile northerly from the depot in Haverhill.

To connect with road from state line to Boston & Maine Railroad in New Hampshire.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each.

Real and personal property.

Said corporation may hold such real and personal property as may be necessary or convenient for the purposes for which it is created.

If road is built in Haverhill, may unite with Boston and Maine Railroad.

SECTION 4. In case said corporation shall construct its railroad in the town of Haverhill, as aforesaid, it may enter with its road upon, unite the same with, and use the railroad of said Boston and Maine Railroad, in Haverhill; and said Boston and Maine Railroad may enter with its road upon, unite the same with, and use the railroad of said corporation under the provisions of law relating to connecting roads.

When authorized by New Hampshire, may oper-

SECTION 5. Said corporation, when authorized by the state of New Hampshire, may construct, maintain and

operate either of the lines of railroad in said state, mentioned in section two, which may be necessary or convenient to form a connection with the Boston and Maine Railroad.

ate road in that State.

SECTION 6. This act shall be void unless said corporation shall locate its railroad between a point in said West Amesbury and the Boston and Maine Railroad, by one of the said two routes mentioned in section two, within two years, and construct the same within three years from the passage hereof.

Act void unless road is located within two years, and built within three years.

Approved May 8, 1868.

AN ACT TO AUTHORIZE CERTAIN CORPORATIONS TO SUBSCRIBE TO THE CAPITAL STOCK OF THE MANSFIELD AND FRAMINGHAM RAILROAD COMPANY.

Chap. 189

Be it enacted, &c., as follows :

SECTION 1. The Vermont and Massachusetts Railroad Company, the Cheshire Railroad Company, the Boston, Clinton and Fitchburg Railroad Company, the Taunton Branch Railroad Corporation, the New Bedford and Taunton Railroad Corporation, the Boston and Providence Railroad Corporation, the Old Colony and Newport Railway Company, are each of them hereby authorized to subscribe for and hold shares in the capital stock of the Mansfield and Framingham Railroad Company, to an amount not exceeding twenty-five thousand dollars: *provided, however*, that neither of said corporations shall so subscribe until further authorized by a vote of two-thirds of its stockholders, present and voting at a meeting called for that purpose.

Certain railroad corporations may take stock in Mansfield and Framingham Railroad Company.

Provido.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1868.

AN ACT AUTHORIZING THE SALEM LYCEUM TO MORTGAGE REAL ESTATE.

Chap. 190

Be it enacted, &c., as follows :

SECTION 1. George Peabody, Caleb Foote, Alpheus Crosby, trustees of the Salem Lyceum, are hereby empowered to mortgage the estate held by them under the provisions of the act incorporating the Salem Lyceum, passed on the twentieth day of April, in the year one thousand eight hundred and fifty-two, for such consideration as the corporation may desire.

Trustees of Salem Lyceum may mortgage real estate.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1868.

AN ACT AUTHORIZING THE CAMBRIDGE GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 191

Be it enacted, &c., as follows :

SECTION 1. The Cambridge Gas Light Company is hereby authorized to add to its capital stock the sum of two hun-

\$200,000 additional capital.

dred thousand dollars, so that the whole capital stock shall not exceed five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1868.

Chap. 192 AN ACT TO INCORPORATE THE ROXBURY YOUNG MEN'S CHRISTIAN ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

\$50,000 in real and personal estate.

SECTION 1. J. M. W. Hall, S. L. Treadwell, C. H. Bolster, their associates and successors, are hereby made a corporation by the name of the Roxbury Young Men's Christian Association, in the city of Boston, for the purpose of improving the spiritual and mental condition of young men ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate, not exceeding fifty thousand dollars, to be exclusively applied to the purpose aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1868.

Chap. 193 AN ACT TO INCREASE THE CAPITAL STOCK OF THE WAMSUTTA MILLS.

Be it enacted, &c., as follows :

\$900,000 additional capital stock.

Shares not to be issued at less than par value.

The Wamsutta Mills are hereby authorized to increase their capital stock by adding thereto a sum not exceeding nine hundred thousand dollars, and to invest such portion thereof in real and personal estate as may be necessary and convenient for the purposes for which they have been incorporated : *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

Approved May 9, 1868.

Chap. 194 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS FOR THE COUNTY OF PLYMOUTH TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE OVER NORTH RIVER.

Be it enacted, &c., as follows :

Highway and bridge across North River in South Scituate and Marshfield authorized.

SECTION 1. The county commissioners for the county of Plymouth, are hereby authorized and empowered, if in their judgment the public necessity and convenience require it, to lay out a highway and construct a bridge and draw across North River, in the towns of South Scituate and Marshfield, at some place to be determined by them above Union Bridge, so called.

SECTION 2. Said commissioners, in laying out and constructing said road and bridge, shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

—to be laid out and constructed as provided for highways.

SECTION 3. This act shall be void unless said county commissioners lay out said highway and bridge within three years from its passage.

Void unless laid out within three years.

SECTION 4. This act shall take effect upon its passage.

Approved May 9, 1868.

AN ACT CONCERNING THE FIRE DEPARTMENT OF THE CITY OF WORCESTER.

Chap. 195

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Worcester is hereby authorized to establish a fire department for said city, to consist of as many engineers, officers, engine-men and members, as the city council, by ordinance, shall from time to time prescribe.

Fire department established in Worcester.

SECTION 2. The city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and manner of the removal of either officers or members; to make such requisitions in respect to their qualifications and period of service; to define their office and duty; to fix and provide for the payment of their compensation; and, generally, to make such regulations in regard to their conduct and government, and to the management and conduct of fires and persons attending at fires, subject to penalties, to be prescribed by ordinance, as they shall deem expedient: *provided*, said ordinances be not repugnant to the laws of the Commonwealth; and *provided*, also, that the appointment of engine-men, hose-men, hook and ladder-men, shall be made by the mayor and aldermen.

City council to appoint and remove officers and members, and regulate generally by ordinance.

SECTION 3. The powers and duties conferred and imposed by this act may be carried into effect by the city council in any manner they may prescribe, and through the agency of any person or board to whom they may delegate the same.

Provisos.

May delegate powers and duties.

SECTION 4. The act entitled "An Act to establish a Fire Department in the Town of Worcester," passed on the twenty-sixth day of February, in the year eighteen hundred and thirty-five, and all other acts and parts of acts in addition thereto, are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage; but it shall not operate upon existing laws and ordinances, relating to the fire department of the city of Worcester, until it shall have been adopted by the city council thereof, and

When to take effect.

until said council shall have passed an ordinance establishing a fire department for said city under the authority of this act.

Approved May 9, 1868.

Chap. 196 AN ACT FIXING THE TIMES OF HOLDING COURTS OF PROBATE IN THE COUNTY OF BARNSTABLE.

Be it enacted, &c., as follows:

Probate courts in Barnstable county.

Probate courts shall be held in each year in the county of Barnstable, as follows: At Barnstable on the second Tuesdays of January, February, March, August and December, and on the third Tuesdays of April, June and September; at Harwich on the second Monday after the first Tuesday of May, and on the second Monday of October; at Wellfleet on the Tuesday next after the second Monday of October; at Provincetown on the Wednesday next after the third Tuesday of May, and on Wednesday next after the second Monday of October; and at Falmouth on the third Tuesday of November, instead of the times now provided by law.

Approved May 9, 1868.

Chap. 197 AN ACT IN RELATION TO MORTGAGES OF REAL ESTATE.

Be it enacted, &c., as follows:

When assignment, &c., of mortgage has been recorded where land lies, and original mortgage not recorded in same registry, reference to assignment, &c., to be made on margin of original record

SECTION 1. When any assignment, extension or release of any mortgage of real estate, or any certificate of the taking or surrender of possession for foreclosure under the same, or any affidavit of notice of sale thereunder of the mortgaged premises, or any execution for possession of said mortgaged premises, has been duly recorded in the county or district where the land lies, if the original mortgage was not recorded in the same registry, the register of deeds of the county or district in whose office such mortgage was originally recorded, upon having exhibited to him at his registry, such assignment, extension, release, certificate, affidavit or execution duly recorded, shall enter upon the margin of the original record of such mortgage, a note of reference to the record of such assignment, extension, release, certificate, affidavit or execution, and shall be entitled to receive therefor the sum of twenty-five cents.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1868.

Chap. 198 AN ACT TO ESTABLISH THE MUNICIPAL COURT OF THE CITY OF WORCESTER.

Be it enacted, &c., as follows:

Municipal court established in Worcester with same powers, &c., as police court.

SECTION 1. There shall be established a court, to be called the municipal court of the city of Worcester, which shall have the same powers and jurisdiction in all actions and proceedings at law, whether civil or criminal, as the police court of the city of Worcester now has.

SECTION 2. All cases pending at the time this act shall take full effect, whether civil or criminal, in the police court of the city of Worcester, shall be transferred to and have day in the proper day and term of the municipal court of the city of Worcester, and all writs, processes, complaints, petitions and proceedings whatever, which are made returnable or to be entered in said police court, shall be returnable to, entered, and have day in the proper day and term of said municipal court; and all judicial writs and processes, and copies founded upon the records of said police court, shall issue under the seal of the said municipal court, in like manner and to the same effect as the same might have issued from the said police court if this act had not passed; and all writs and processes may be made returnable to the several days and terms of said police court, now established by law, till this act shall take full effect, and then all such writs and processes shall be made returnable to the days and terms herein established.

Cases pending in police court to be transferred, &c.

Processes may be made returnable to police court until this Act takes effect.

SECTION 3. The records of the said police court of the city of Worcester shall remain in the custody of the clerk of the said municipal court of the city of Worcester.

Police court records to be in custody of clerk.

SECTION 4. There shall be appointed, commissioned and qualified, agreeably to the constitution, one justice and two special justices of the municipal court of the city of Worcester; and as vacancies occur, they shall be filled by appointment in the same manner. The justice of said court shall receive an annual salary of two thousand dollars, and at the same rate for any part of a year, to be paid quarterly from the treasury of the Commonwealth, which shall be in full for all services rendered by him as justice of said court, or otherwise *ex officio*. The special justices shall officiate only in case of the absence or other inability or disability of said justice, and shall be paid by said justice six dollars for each day on which they may hold a session of said court.

One justice and two special justices.

Salary of justice, \$2,000.

Compensation of special justices.

SECTION 5. The clerk of the police court of the city of Worcester now in office shall be clerk of the municipal court of the city of Worcester until his successor is chosen and qualified; and he shall have the same powers and duties that he now has.

Clerk of police court to act until successor is chosen and qualified.

SECTION 6. At the annual state election in the year eighteen hundred and seventy-one, and every fifth year thereafter, there shall be elected in the city of Worcester, a clerk of the said municipal court, to hold his office from the first Monday of January following, and until his successor is chosen and qualified. If a vacancy occurs in the office of clerk, the justice of said court may appoint a clerk, who shall hold the

Clerk to be elected by people.

—term of office.

—vacancy, how filled.

office until another at the next or any succeeding municipal election in said city shall be chosen and qualified for the remainder of the term. The clerk shall receive an annual salary of twelve hundred dollars, and all fines, penalties, forfeitures and costs now paid or accounted for by the officers of said police court, shall be paid over and accounted for to the same officers, and in the same manner, by the officers of said municipal court. The said clerk of said municipal court shall be qualified and give bond in the same manner and amount as is now provided by law for the clerk of said police court.

—salary, \$1,200.

—to give bond.

Justices and clerk not to act as counsel, &c.

SECTION 7. The justice and clerk of the municipal court hereby established shall not be retained or employed as counsel or attorney in any writ, complaint or proceeding returnable to or pending in said court, nor in any suit which has been examined or tried therein, nor shall the special justices be retained or employed as aforesaid in any matter tried before them in said municipal court.

Court and justice to have same powers, &c., as police court and justice now have.

SECTION 8. The said municipal court of the city of Worcester and the justice thereof, shall have the same powers and jurisdiction as the said police court of the city of Worcester or the justice thereof now have in all matters relating to crimes and offences, and in receiving complaints and issuing warrants; and when the court is not in session, the justice thereof may receive complaints and issue warrants.

Court to have original and concurrent jurisdiction with superior court if debt, &c., does not exceed \$200.

SECTION 9. The said municipal court shall have the same jurisdiction as the said police court now has in all civil actions and proceedings, and have original concurrent jurisdiction with the superior court in the county of Worcester in all cases where the debt or damages demanded or property replevied does not exceed in value two hundred dollars.

Process not to run into another county, except, &c.

SECTION 10. No writ or process issued by said court in civil actions or proceedings shall run into or be served in any county other than Worcester county, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court wherein the writ or process is served upon the defendant in any county other than Worcester county, except as above provided, if the plaintiff finally recovers a sum not exceeding twenty dollars, for debt or damages, he shall be entitled to no costs, except as provided in the following section; but the defendant shall recover the costs to which he would have been entitled if he had been the prevailing party.

If process is served in another county and not more than twenty dollars is recovered, plaintiff shall have no costs.

Defendant's costs.

If plaintiff's claim is reduced by set off below \$20, costs may be recovered.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Worcester county, as established on the trial, exceeds twenty dollars, and is reduced to that amount

or less, or overbalanced by set-offs, which could not have been proved in payment, it shall be considered for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

SECTION 12. The said municipal court shall have power to establish a seal for said court, and the same power to issue all writs and processes, and to appoint all officers that may be necessary for the transaction of the business of the court, which the said police court now has; and said court may from time to time make rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

Court may have seal, and establish rules, &c.

SECTION 13. The said municipal court shall be held for criminal business daily, except on Sundays and legal holidays, at nine o'clock in the forenoon, and in the afternoon whenever it appears expedient to the justice thereof. The court shall be held for civil business weekly. Each term shall commence on Saturday, and actions therein may be continued to any future day fixed for the sitting of the court.

Court to be held daily for criminal and weekly for civil business.

SECTION 14. A party aggrieved by the judgment of said municipal court may appeal to the superior court; such appeals shall be had, entered, conducted and disposed of in all respects as appeals now are from the police court of the city of Worcester.

Right of appeal.

SECTION 15. All laws establishing the police court of the city of Worcester, or giving jurisdiction to said court, except so far as may be necessary that the same should be supported for the purposes of this act, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed from the day this act shall take full effect; and if upon said day any term of said police court shall be in session, or shall have been adjourned to a future day, the remainder of said term may be held by the justice of said municipal court.

Repeal, &c.

SECTION 16. This act shall take effect so far as the appointing, commissioning and qualifying of the justice and special justices of said municipal court are concerned, on the first day of June next; and it shall take full effect on the first day of July next.

When to take effect.

Approved May 14, 1868.

AN ACT RELATING TO PRIVATE WAYS IN THE CITY OF BOSTON.
Be it enacted, &c., as follows:

Chap. 199

SECTION 1. The board of aldermen of the city of Boston may, from time to time, designate the name by which any street, place, court or other way, shall be known or called,

Streets, &c., in Boston opened for public use to be named by aldermen.

Penalty for undertaking by erection of signs, &c., to name otherwise.

which now is, or hereafter shall be opened in said city over any private land, by the owners thereof, and dedicated to, or permitted to be used by the public: and any person who shall, by the erection of signs or by other means, undertake to make any such street, place, court or way publicly known by any name not so designated by said board of aldermen, shall forfeit a sum not exceeding one hundred dollars for each offence.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1868.

Chap. 200

AN ACT CONCERNING THE EDUCATION OF DEAF MUTES.

Be it enacted, &c., as follows:

Deaf mutes may be instructed at asylum at Hartford or at Institution at Northampton.

SECTION 1. The governor, with the approval of the board of education, is hereby authorized to send such deaf mutes or deaf children as he may deem fit subjects for instruction at the expense of the Commonwealth, to the American Asylum at Hartford, or to the Clarke Institution for Deaf Mutes at Northampton, as the parents or guardians may prefer.

Governor may draw warrants for support of pupils.

SECTION 2. The governor is hereby authorized to draw his warrant for such sums as shall be necessary to pay for the instruction and support of such pupils as may be sent to said institutions respectively, pursuant to the provisions of the preceding section.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1868.

Chap. 201

AN ACT RELATIVE TO THE BLASTING OF ROCKS, IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Blasting rocks, &c., prohibited in Boston, without license from aldermen.

SECTION 1. No person shall blast any rock or other substance with gunpowder or other material, within one hundred yards of any public place or highway in the city of Boston, without license from the board of aldermen, or some person designated by them in writing, specifying the terms and conditions on which such license is granted: *provided, however*, that the remedy of any person injured by the blasting of rocks shall not be affected by this act, nor shall it be considered as applying to the surveyors of highways in the discharge of their official duties.

Remedy of person injured, nor duties of surveyors of highways affected.

Penalty.

SECTION 2. Any person who shall, either by himself, his servant or agent, or by any person in his employ, violate any of the terms or conditions upon which the license as aforesaid shall be granted, shall forfeit and pay, for each and every offence, a sum not less than ten nor more than fifty dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1868.

AN ACT FOR SUPPLYING THE TOWN OF SOMERVILLE WITH WATER.

Chap. 202

Be it enacted, &c., as follows:

SECTION 1. The town of Somerville is hereby authorized to lay, construct and maintain within the limits of said town, such pipes, aqueducts and structures in connection with the water works or aqueducts of the city of Charlestown, as may be requisite for the purpose of supplying water to the inhabitants of said town for the extinguishment of fires and for other uses. And the said town is hereby fully authorized to raise by taxation or by borrowing from time to time, an amount not exceeding one hundred thousand dollars for the purposes herein specified.

Somerville may construct aqueducts in connection with Charlestown water works

May raise money not exceeding \$100,000.

SECTION 2. The said town of Somerville is hereby authorized to assess and collect upon the polls and estates of the town, real and personal, all taxes necessary for the payment of the principal and interest of such promissory notes as shall be issued under the provisions of the preceding section.

May tax estates for payment of principal and interest.

SECTION 3. The said town of Somerville shall annually elect a committee of five from the inhabitants of the town, who shall superintend, control, direct and make such rules and regulations for the construction and maintenance of such pipes, aqueducts and structures as are authorized under the provisions of section one of this act.

To elect committee of five inhabitants to have charge of works.

SECTION 4. All acts done by the inhabitants of the said town of Somerville, at a legal town meeting holden on Monday, the thirteenth day of April, in the year one thousand eight hundred and sixty-eight, having reference to a supply of water, are hereby ratified, confirmed and made valid to the same extent as though the provisions of this act were then in full force.

Acts done at town meeting ratified.

SECTION 5. This act shall take effect upon its passage.

Approved May 14, 1868.

AN ACT TO AUTHORIZE THE TOWN OF SHEFFIELD TO TAKE STOCK IN THE SHEFFIELD RAILROAD COMPANY.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. The town of Sheffield is hereby authorized by a vote of two-thirds of the voters present, at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the Sheffield Railroad Company, to an amount not exceeding five per centum, of the assessed valuation of the said town; and said town may pay for such shares, so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be

Sheffield may take stock in Sheffield Railroad Company.

May raise money by bonds or tax, &c.

necessary to pay for the same, and may hold and dispose of the same like other town property.

Selectmen to represent town at meetings of company.

SECTION 2. The selectmen of the said town of Sheffield shall have authority to represent the said town of Sheffield at any and all meetings of the Sheffield Railroad Company, and said town so represented is hereby authorized to vote on the whole amount of the stock held by the said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1868.

Chap. 204 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE IN THE TOWN OF SOMERSET.

Be it enacted, &c., as follows:

County commissioners may lay out highway and build bridge in Somerset.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and empowered, if in their opinion the public convenience and necessity require it, to lay out a highway and construct a bridge over Labor-in-rain Creek, so called, in the town of Somerset, in said county, at such place as said commissioners may determine. In laying out and constructing said highway and bridge, said commissioners shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

To be laid out, &c., according to law for highways.

Void, unless applied for within one year.

SECTION 2. This act shall be void unless an application shall be made to the county commissioners to lay out said highway and bridge within one year from its passage.

Approved May 14, 1868.

Chap. 205 AN ACT TO INCORPORATE THE BOSTON AND CHICAGO ADJUSTABLE CAR COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles Bockus, Francis Childs, Edmund Fletcher, their associates and successors, are hereby made a corporation by the name of the Boston and Chicago Adjustable Car Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to such corporations, and subject to such taxation as is now, or may hereafter be imposed on railroad and telegraph companies.

Name and purpose. Powers and duties.

May build, &c., railway freight cars.

SECTION 2. The said corporation is hereby authorized to manufacture, build, purchase, hire, lease, sell and hold adjustable railway freight cars.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall be five hundred thousand dollars, with the right to increase the

same to one million dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall not commence operations until one hundred and twenty-five thousand dollars has been paid in in cash.

Not to commence operations until \$125,000 paid in.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1868.

AN ACT TO INCORPORATE THE ELECTRIC GAS LIGHTING COMPANY.

Chap. 206

Be it enacted, &c., as follows :

SECTION 1. David Whittemore, Edwin E. Bean, Frank Bean, their associates and successors, are hereby made a corporation by the name of the Electric Gas Lighting Company, for the purpose of manufacturing and using machinery for lighting gas by electricity; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which are or may be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have its usual place of business in the city of Boston, and may establish its manufactory in any town in the Commonwealth, and may hold such real and personal estate as may be necessary or convenient for the purposes set forth in this act.

Place of business to be in Boston.

Real and personal estate.

SECTION 3. The capital stock of said corporation shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation, until one hundred thousand dollars of its capital stock is paid in in cash.

Capital stock and shares.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1868.

AN ACT TO INCORPORATE THE CAMBRIDGE LAND AND BUILDING ASSOCIATION.

Chap. 207

Be it enacted, &c., as follows :

SECTION 1. John J. Fatal, A. Molyneaux Hewlett, Elias Furbush, their associates and successors, are hereby made a corporation by the name of the Cambridge Land and Building Association, during the term of twenty years from and after the passage of this act, for the purpose of purchasing, selling, leasing and improving real estate in the city of Cambridge, now held by John J. Fatal, A. M. Hewlett, Elias Furbush, John P. Coburn, Lemuel Burr, P. L. Baldwin, Edward Williams and John B. Dunn, as trustees of the Cambridge Land and Building Company, and no other, and performing such other legal acts as may be neces-

Corporators.

Name and purpose.

• Powers and duties.

sary in accomplishing said objects; with all the powers and privileges, and subject to all the duties, liabilities and conditions, set forth in all general laws which now are or hereafter may be in force and applicable to said corporation.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the said capital stock to fifty thousand dollars: *provided*, that the said corporation shall not transact any business until at least six thousand two hundred and fifty dollars shall have been paid in in cash.

Not to transact business until \$6,250 paid in.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1868.

Chap. 208

AN ACT AUTHORIZING THE PNEUMATIC DISPATCH COMPANY TO CARRY PASSENGERS.

Be it enacted, &c., as follows:

May convey passengers; 1867, 329.

The Pneumatic Dispatch Company, in addition to the powers conferred by chapter three hundred and twenty-nine of the acts of the year eighteen hundred and sixty-seven, is authorized to convey passengers. *Approved May 14, 1868.*

Chap. 209

AN ACT TO AMEND AN ACT TO INCORPORATE THE PENITENT FEMALES' REFUGE IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

\$100,000 additional real estate.

SECTION 1. The Penitent Females' Refuge in the city of Boston, incorporated by an act approved the twenty-first day of January, in the year eighteen hundred and twenty-three, is hereby authorized to hold real estate to an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1868.

Chap. 210

AN ACT RELATING TO THE CIRCULATION OF STATE BANKS WHICH HAVE BECOME BANKING ASSOCIATIONS UNDER THE LAWS OF THE UNITED STATES.

Be it enacted, &c., as follows:

Former State banks, now under U. S. laws, may withdraw stocks from auditor after time to redeem notes has expired.

Any bank heretofore existing in this Commonwealth, and organized under the general laws thereof, which has since become a banking association under the laws of the United States, shall, at the expiration of the three years within which it is required to redeem its circulating notes issued while a state bank, under the provisions of section one of chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-five, be entitled to withdraw from the custody of the auditor the public stocks deposited for the security of such circulating notes.

Approved May 14, 1868.

AN ACT RELATING TO THE ASSESSMENT OF TAXES.

Be it enacted, &c., as follows:

Chap. 211

SECTION 1. The assessors of cities and towns shall, on or before the first day of July, in each year, make correct alphabetical lists of the names of all persons in their respective cities and towns against whom a poll-tax has been assessed for that year, together with a designation, in cities, of the street and number of the residence of such persons, when practicable, and on or before said day shall cause such lists to be posted in two or more public places in each town, and each ward of a city.

List of persons assessed, poll-tax to be made and posted by assessors on or before first of July.

SECTION 2. When any person, on or before the first day of August, in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that he was on the first day of May of that year, an inhabitant thereof, and liable to pay a poll-tax, and furnishes under oath a true list of his polls and estate, both real and personal, not exempt from taxation, the assessors shall assess him for his polls and estate; but such assessment shall be subject to the provisions of chapter one hundred and twenty-one of the acts of the year one thousand eight hundred and sixty-five; and the assessors shall, on or before the fifteenth day of August, deposit with the clerk of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

How persons may be assessed on or before the first of August.

Proviso.

List to be deposited with clerk on or before fifteenth of August.

Approved May 14, 1868.

AN ACT FOR THE MORE EFFECTUAL PREVENTION OF CRUELTY TO ANIMALS.

Chap. 212

Be it enacted, &c., as follows:

SECTION 1. Whoever shall overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, or cause or procure to be so overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed, any horse, ox, or other animal, and whoever having the charge or custody of any such animal, either as owner or otherwise, shall unnecessarily fail to provide such animal with proper food, drink and shelter or protection from the weather, shall, for every such offence, be punished by imprisonment in the jail not exceeding one year, or by fine, not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

Overdriving, tormenting, killing, &c., animals prohibited.

Penalties.

SECTION 2. Every owner of, or person having the charge or custody of, any horse, ox, or other animal, who shall knowingly and wilfully authorize or permit the same to be

Penalty on owner for permitting animal to be tortured, &c.

subjected to or suffer unnecessary torture or cruelty, shall be punished for every such offence, in the manner provided in section one.

—for cruelly working animal unfit for work.

SECTION 3. Every owner, driver, possessor or person having the charge or custody of an old, maimed or disabled or diseased horse, mule or other animal, who shall cruelly work the same when unfit for work, or cruelly abandon the same, shall be punished for every such offence in the same manner provided in section one.

—for carrying upon vehicle in a cruel manner.

SECTION 4. Any person who shall carry or cause to be carried in or upon any vehicle or otherwise, any animal in an unnecessarily cruel or inhuman manner, shall be punished in the same manner provided in section one.

Regulations concerning carrying cattle, &c., by railroad companies.

SECTION 5. No railroad company in this state, in the carrying and transportation of cattle, sheep, swine or other animals, shall confine the same in cars for a longer period than twenty-eight consecutive hours, unless delayed by storm or other accidental causes, without unloading for rest, water and feeding, for a period of at least five consecutive hours. In estimating such confinement, the time the animals have been confined without such rest, on connecting roads, from which they are received, shall be computed; it being the intention of this act to prevent their continuous confinement beyond twenty-eight hours, except upon contingencies herein before stated.

Railroad companies may charge expense of feeding, &c., to owner.

SECTION 6. If the owner or person in charge of said animals, refuses or neglects to pay for the care and feed of animals so rested, the railroad company may charge such expense to the owner or consignee, and retain a lien upon the animals until the same is paid; and no claim of damages for detention shall be recovered by the owner or shipper of any animals for the time they are detained under the provisions of this act.

Penalty on railroad owner, &c., for violation.

SECTION 7. Any railroad company, owner, consignee or person in charge of said cattle, sheep, swine or other animals, who shall violate any provision of the fifth or sixth sections of this act, shall for each and every such violation be liable for and forfeit and pay a penalty of one hundred dollars.

Duty of officers to prosecute violations.

SECTION 8. It shall be the duty of all sheriffs, deputy-sheriffs, police officers and constables, to prosecute all violations of the provisions of this act which shall come to their notice or knowledge; and fines collected upon the complaint or information of any officer or agent of the Massachusetts Society for the Prevention of Cruelty to Animals, under this act, shall inure and be paid over to said society, in aid of the benevolent objects for which it was incorporated.

Fines collected, how to be disposed of.

SECTION 9. The several municipal and police courts, and trial justices in this Commonwealth, shall have concurrent jurisdiction with the superior court of all offences under this act. Jurisdiction of courts.

SECTION 10. Section forty-one of chapter one hundred and sixty-five of the General Statutes is hereby repealed. Repeal.

SECTION 11. This act shall take effect upon its passage.

Approved April 14, 1868.

AN ACT FIXING THE TIMES AND PLACES OF HOLDING PROBATE COURTS IN THE COUNTY OF MIDDLESEX. **Chap. 213**

Be it enacted, &c., as follows :

SECTION 1. After the first day of July next, the terms of the probate court for the county of Middlesex, shall be held at Cambridge, on the first, second and fourth Tuesdays of each month, except August ; and at Lowell on the third Tuesdays of January, March, May, July, September and November, in each year, instead of the times now provided by law. Probate court at Cambridge and Lowell.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1868.

AN ACT FIXING THE TIMES AND PLACES OF HOLDING PROBATE COURTS IN THE COUNTY OF NORFOLK. **Chap. 214**

Be it enacted, &c., as follows :

SECTION 1. The sessions of the probate court in the county of Norfolk, shall be held at Dorchester every Wednesday, except during the month of August ; and at Dedham every first Tuesday of each month except August, instead of the times and places now required by law. Probate court at Dorchester and Dedham.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1868.

AN ACT TO INCORPORATE THE YOUNG MEN'S LITERARY INSTITUTE OF PLYMOUTH. **Chap. 215**

Be it enacted, &c., as follows :

SECTION 1. William E. Barnes, Arthur Lord, Charles C. Bates, their associates and successors, are hereby made a corporation by the name of the Young Men's Literary Institute of Plymouth, for the purpose of maintaining a library in the town of Plymouth, and for literary and educational purposes ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are, or may hereafter be, in force and applicable to such corporations. Corporators.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding fifty thousand dollars. Name and purpose.

SECTION 3. This act shall take effect upon its passage. Powers and duties.

Approved May 19, 1868.

Chap. 216 AN ACT TO INCORPORATE THE ROMAN CATHOLIC CEMETERY ASSOCIATION.

Be it enacted, &c., as follows:

Corporators. SECTION 1. John J. Williams, George A. Hamilton, George F. Haskins, their associates and successors, are hereby made a corporation, by the name of the Roman Catholic Cemetery Association. Said corporation shall have all the powers, and be subject to all the duties, restrictions and liabilities set forth in the twenty-eighth chapter of the General Statutes, except as is otherwise provided in this act.

Real and personal estate. SECTION 2. The said corporation are hereby empowered to take and hold by purchase or gift, in fee simple, for the purposes hereinafter provided, so much real estate in the town of Malden, in the county of Middlesex, not exceeding one hundred acres, and so much personal property, as may be necessary for the purposes of said corporation.

Real estate to be held for burial ground. SECTION 3. The said corporation shall take and hold the real estate aforesaid for a rural cemetery or burial ground, and for the erection of tombs, cenotaphs or other monuments, for or in memory of the dead; and for this purpose may lay out the same in convenient and suitable lots, and may construct such suitable buildings and appendages as said corporation may, from time to time, deem expedient.

May convey exclusive rights of burial. SECTION 4. The said corporation shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial in any of the aforesaid lots, and of erecting tombs and cenotaphs, and of ornamenting the same, upon such terms and conditions, and subject to such regulations, as said corporation shall prescribe.

SECTION 5. This act shall take effect upon its passage.

Approved May 19, 1868.

Chap. 217 AN ACT TO INCORPORATE THE TURNER'S FALLS CUTLERY COMPANY.

Be it enacted, &c., as follows:

Corporators. SECTION 1. James C. Ayer, Charles A. Stevens, Oakes Ames, their associates and successors, are hereby made a corporation by the name of the Turner's Falls Cutlery Company, for the purpose of manufacturing, at Turner's Falls, in the town of Montague, all kinds of cutlery, hardware, articles of iron and of other metals and materials; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Real estate and water power. SECTION 2. Said corporation may purchase, hold, improve or lease such real estate and water power as it may find

necessary for the prosecution of the business aforesaid, not exceeding in value three hundred and fifty thousand dollars

SECTION 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation or incur any liability until one hundred thousand dollars of its capital stock has been paid in in cash.

Capital stock and shares.

When to go into operation.

SECTION 4. This act shall take effect upon its passage.

Approved May 19, 1868.

AN ACT TO INCORPORATE THE BOWDITCH MILLS.

Chap. 218

Be it enacted, &c., as follows :

SECTION 1. Charles A. Ropes, James Z. Almy, George Wheatland, junior, their associates and successors, are hereby made a corporation by the name of the Bowditch Mills, for the purpose of manufacturing cotton cloths in the city of Salem; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding five hundred thousand dollars; and the whole capital stock shall not exceed one million dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until two hundred thousand dollars of its capital stock is paid in in cash.

Real estate.

Capital stock and shares.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1868.

AN ACT TO CHANGE THE NAME OF THE BOSTON NEW CHURCH UNION.

Chap. 219

Be it enacted, &c., as follows :

SECTION 1. The Boston New Church Union, a corporation established in the city of Boston by chapter six of the acts of the year eighteen hundred and sixty-four, shall hereafter be called and known by the name of the Massachusetts New Church Union.

Name changed to "Mass. New Church Union."

SECTION 2. This act shall take effect upon its acceptance by the society.

Approved May 19, 1868.

Chap. 220 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MERRIMACK VALLEY HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Capital stock,
\$80,000.

SECTION 1. The capital stock of the Merrimack Valley Horse Railroad Company shall not exceed eighty thousand dollars.

Certain acts con-
firmed and made
valid.

SECTION 2. All acts of said corporation heretofore done in building its road are hereby confirmed and made valid, as legal acts of said corporation, in all respects as if the certificate signed and sworn to by the president, treasurer, clerk and a majority of the directors thereof, had been filed in the office of the secretary of the Commonwealth according to the provisions of law.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1868.

Chap. 221 AN ACT AUTHORIZING "THE TEMPORARY HOME FOR THE DESTITUTE," TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows :

\$100,000 in real
and personal es-
tate.

SECTION 1. "The Temporary Home for the Destitute," is hereby authorized to hold real and personal property to an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1868.

Chap. 222 AN ACT AUTHORIZING THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO MORTGAGE ITS RAILROAD AND FRANCHISE.

Be it enacted, &c., as follows :

May mortgage
road and fran-
chise to secure
loan.

SECTION 1. The Milford and Woonsocket Railroad Company is hereby authorized to mortgage its railroad, property, rights and franchise, or any part thereof, to secure any loan, or any indebtedness in the nature of a loan, that may hereafter be made to or incurred by the said company, by a mortgage deed duly executed and recorded in the counties of Worcester and Norfolk: *provided*, that said loan or loans shall not exceed the sum of thirty-five thousand dollars in the aggregate; and *provided, further*, that nothing contained in this act shall in any way affect any pre-existing debt not so secured, or any claim which any person or corporation may have against said company, for damage caused to such person, or for the taking of land included within the location of said railroad, or for any other cause, or any remedies for the enforcement of said debt or claims.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1868.

Loan not to ex-
ceed \$35,000.

Proviso.

AN ACT TO AUTHORIZE THE CITY OF BOSTON AND THE TOWN OF WEST ROXBURY TO IMPROVE STONY BROOK AND ITS TRIBUTARIES. *Chap. 223*

Be it enacted, &c., as follows :

SECTION 1. The city of Boston and the town of West Roxbury, for the purpose of sewerage, may remove obstructions in or over Stony Brook and the tributaries thereof, so far as the said brook and tributaries flow within the limits of said city and said town respectively; may divert the water and alter the course and deepen the channel thereof; and the more effectually to make the said improvements, may take or purchase land, not exceeding four rods in width, on either side of the present channel of said brook and of its tributaries, or of any channel into which said waters may be diverted, within the limits of said city and town respectively. Said city or town, as the case may be, shall, within sixty days from the time they shall take any of said lands, file in the office of the registry of deeds for the county in which said lands are situate, a description of the land so taken, as certain as is required in a common conveyance of land, and a statement that the same are taken pursuant to the provisions of this act; which said statement shall be signed by the mayor of said city, or the selectmen of said town, as the case may be; and the title to all land so taken shall vest in said city or said town, as the case may be.

Boston and West Roxbury may remove obstructions from Stony Brook.

May divert the water, alter channel, &c.

May take or purchase land.

To file description of lands taken.

Statement to be signed by mayor or selectmen.

SECTION 2. Any person injured in his property by any of the acts done by said city or town, under the first section of this act, shall, upon application to the mayor and aldermen of said city, or the selectmen of said town, according as said property is situate in said city or town, have compensation therefor, the amount thereof to be determined by said mayor and aldermen or said selectmen. And said mayor and aldermen, or said selectmen, as the case may be, shall finally adjudicate upon the question of damages, within thirty days after the filing of said application, unless the parties agree in writing to extend the time. In case damages are awarded, payment shall be made forthwith by said city or town, as the case may be.

Compensation for damages.

SECTION 3. If the applicant is aggrieved, either by the estimate of his damages or by a refusal or neglect within thirty days to estimate the same, he may, within three months from the expiration of said thirty days or of the extended time, as provided in the second section, apply for a jury and have his damages assessed in the manner provided when land is taken in laying out highways. If the damages are increased by the jury, the damages and costs

Persons aggrieved may apply for jury.

Costs, by whom to be paid.

shall be paid by the city or town, as the case may be ; otherwise, the costs arising on such application shall be paid by the applicant.

Expense of improvement, how and by whom to be paid.

SECTION 4. All the expenses of improving said brook and its tributaries, authorized by this act, including all damages paid under the preceding sections, shall be paid by said city or town, according as they may be incurred within their respective limits. But the mayor and aldermen of said city and the selectmen of said town may assess upon the estates within their respective limits bordering upon said brook and its tributaries, a part of the expenses incurred respectively by them, not exceeding however one-half thereof, and not exceeding the amount of the benefit in proportion to the benefit which they may adjudge said estates to have sustained by said improvements.

Assessments to be lien upon real estate for one year.

Estate may be sold as for non-payment of taxes.

SECTION 5. All assessments made under the fourth section of this act shall constitute a lien on the real estate assessed for one year after they are laid, and may, together with all incidental costs and expenses, be levied by sale thereof, (except as provided in the sixth section of this act,) if the assessment is not paid within three months after a written demand of payment, made either upon the person assessed or upon any person then occupying the estate, or posted upon the premises ; such sale to be conducted in like manner as sales for the non-payment of taxes.

Assessments may be apportioned into three parts, to be paid in three years.

SECTION 6. If the owner of any estate, assessed as provided in the fifth section, desires to have the amount of said assessment apportioned, he shall give notice thereof in writing to the board of aldermen or to the selectmen, as the case may be, at any time before a demand is made upon him for the payment thereof ; and said board of aldermen or selectmen shall thereupon apportion the said amount into three equal parts, which apportionment shall be certified to the assessors, and the said assessors shall add one of said equal parts to the annual tax of said estate each year for the three years next ensuing.

Person aggrieved by assessment may apply for a jury.

SECTION 7. Any person aggrieved by the assessment under the fourth section of this act may, within three months after a written demand for payment, as provided in the fifth section of this act, petition for a jury or committee in the same manner as appeals are made when land is taken in laying out highways. If the assessment is not confirmed by the jury, the costs of the application shall be paid by the city or town, as the case may be ; otherwise, the same shall be paid by the applicant.

Costs.

SECTION 8. When the improvements authorized by this act shall have been completed, that part of Stony Brook and its tributaries flowing within said city and town shall be and remain under the control of said city and town respectively: *provided, however*, that the city of Boston shall neither cause nor permit any obstructions to the flow of the waters from said town of West Roxbury.

Stony Brook to be under control of Boston and W. Roxbury.

Proviso.

SECTION 9. This act shall not be construed to authorize the said city or town to restrain or dam up any of the streams now flowing into Stony Brook or into the tributaries thereof.

Streams not to be obstructed.

Approved May 19, 1868.

AN ACT AUTHORIZING THE TOWN OF WARE TO SUBSCRIBE FOR AND HOLD SHARES IN THE CAPITAL STOCK OF THE WARE RIVER RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Chap. 224

Be it enacted, &c., as follows:

SECTION 1. The Ware River Railroad Company is hereby authorized to proceed to build the first section of the railroad authorized by the seventy-sixth chapter of the acts of the year eighteen hundred and sixty-seven, when the sum of two hundred thousand dollars shall have been subscribed for the building of said section: *provided*, that before said section shall be commenced, a certificate shall be filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of said company and a majority of its directors, stating that said sum has been subscribed by responsible parties, and that twenty per centum of the par value of each and every share embraced in said sum has been actually paid into the treasury of the said company.

When Ware River Railroad Company may build first section of road.

Proviso.

SECTION 2. The town of Ware is hereby authorized, when so voting at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the said company, to an amount not exceeding five per centum of the assessed valuation of the said town; and said town may pay for such shares, so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Ware may take stock in road not exceeding five per cent. of town valuation.

May raise money to pay for same.

SECTION 3. The selectmen of the said town of Ware shall have authority to represent the said town at any and all meetings of the Ware River Railroad Company; and said town, so represented, is hereby authorized to vote on the whole amount of the stock held by the said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen to represent town at meetings of corporation.

SECTION 4. This act shall take effect upon its passage.

Approved May 19, 1868.

Chap. 225 AN ACT TO AUTHORIZE CERTAIN TOWNS TO SUBSCRIBE FOR AND HOLD STOCK IN THE WILLIAMSBURG AND NORTH ADAMS RAILROAD COMPANY.

Be it enacted, &c., as follows:

Certain towns may take stock in Williamsburg and No. Adams Railroad Co.

SECTION 1. The towns of Adams, Savoy, Cheshire, Windsor, Cummington, Goshen, Williamsburg, Northampton, Chesterfield, Worthington, Westhampton and Plainfield are hereby severally authorized, when so voting at legal town meetings, duly called for the purpose, to subscribe for and hold shares in the capital stock of said company, to an amount not exceeding five per centum of the assessed valuation of said towns respectively; and said towns may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise by loan, upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

May raise money to pay for same.

Selectmen to represent towns at meetings of corporation.

SECTION 2. The selectmen of the towns of Adams, Savoy, Cheshire, Windsor, Cummington, Goshen, Williamsburg, Northampton, Chesterfield, Worthington, Westhampton and Plainfield, respectively, shall have authority to represent said towns, respectively, at any and all meetings of the Williamsburg and North Adams Railroad Company, and said towns, so represented, are hereby authorized to vote on the whole amount of the stock held by said towns, respectively, anything in sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1868.

Chap. 226 AN ACT TO AMEND THE SECOND SECTION OF CHAPTER THIRTY-EIGHT OF THE GENERAL STATUTES, RELATING TO HIGH SCHOOLS.

Be it enacted, &c., as follows:

Number of families in towns, how to be determined.

In order to ascertain that any town is subject to the requirement of section second, chapter thirty-eight of the General Statutes, the number of families or householders thereof shall be determined by the latest public census which shall have been taken, by the authority either of this Commonwealth or of the United States.

Approved May 19, 1868.

Chap. 227 AN ACT RELATING TO INVESTMENTS BY SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, &c., as follows:

Investments by savings banks in stock, &c., of national banking associations.

SECTION 1. Savings banks and institutions for savings may invest their funds in the stock of any banking association located in this state and organized under the provisions of the act of congress, approved on the third day of June,

in the year eighteen hundred and sixty-four, and may deposit on call in such national banking associations, and receive interest therefor, in the same manner, and to the same extent, as they are now authorized to invest in the stock of, and to deposit in certain national banking associations, under the provisions of chapter two of the acts of the year eighteen hundred and sixty-four.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1868.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEW BEDFORD.

Chap. 228

Be it enacted, &c., as follows:

SECTION 1. The inhabitants of the city of New Bedford shall continue to be a body politic and corporate under the name of the city of New Bedford, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and belonging to said city as a municipal corporation.

New Bedford to continue to be a city.

SECTION 2. The administration of the fiscal, prudential and municipal affairs of said city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be denominated the board of aldermen; and one council of twenty-four, to be denominated the common council, each of which boards shall have a negative upon the other. The two boards in their joint capacity shall be denominated the city council; and the mayor and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business; and no member of either board shall receive any compensation for his services, or be eligible to, or hold any office under the city government, (the mayoralty excepted,) the salary of which is payable from the city treasury.

Administration of affairs vested in mayor and boards of aldermen and common council.

Boards in joint capacity styled city council.

Members and mayor to be sworn.

Quorum.

Boards to serve without compensation, &c.

SECTION 3. The meetings of the citizens for the election of municipal officers shall be held on the first Tuesday of December annually; and the said officers so chosen shall enter upon the duties of their respective offices on the first Tuesday of January succeeding their election, and shall hold their said offices for the term of one year thereafter, and until others are chosen and qualified in their stead, except the assessor at large, and the members of the school committee, who shall severally hold their respective offices for three years from the first Tuesday of January succeeding their election, and until others are chosen and qualified in their stead.

Municipal officers to be elected annually on first Tuesday of December.

Terms of office.

Warrants for meetings, how to be issued and served.

All warrants for the meetings of citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned at such time, and in such manner as the city council may by ordinance direct.

Election qualifications, and duties of wardens, clerks and inspectors of elections.

SECTION 4. On the first Tuesday in December, annually, there shall be chosen by ballot, in each of the wards of the city of New Bedford, a warden, clerk, and three inspectors of elections, who shall be different persons, residents of the ward in which they are chosen, whose term of office shall commence on the first Tuesday of January next ensuing, and they shall hold their offices for one year thereafter, and until others have been chosen and qualified in their stead; and the warden, clerk and inspectors, before entering upon their duties, shall respectively make oath, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the city clerk to the warden, and by the warden to the ward clerk and inspectors, or to either or all of said officers, by any justice of the peace for the county of Bristol. A certificate that said oath has been taken shall be entered upon the records of the ward by the clerk thereof.

It shall be the duty of such warden to preside at all ward meetings, with the powers of moderators of town meetings; and if at any such meetings the warden shall be absent, the clerk, and in case of the absence of the clerk, an inspector shall preside, according to seniority of age, until a warden *pro tempore* shall be chosen by ballot.

The clerk shall record all the proceedings, and certify the votes given, and shall within twenty-four hours after the closing of the polls deliver to the city clerk, for safe keeping, all such records and journals, together with all documents and papers, held by him in such capacity. It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. In case of failure to elect a warden, ward clerk, or the whole number of inspectors, the same proceedings shall be had as are herein-after provided for the election of councilmen.

Election and qualifications of mayor, aldermen and common councilmen.

SECTION 5. The mayor, and six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards; and four common councilmen shall be elected from and by the voters of each ward, being residents in the wards when elected. All said officers shall be chosen by ballot.

SECTION 6. On the first Tuesday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen and common councilmen, as provided in the preceding section. All the votes so given shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner: *provided, however,* that if the choice of members of the common council, school committee, overseers of the poor and assistant assessors shall not be effected on that day, the meeting may be adjourned by the presiding officer of the wards for the purpose of filling such vacancies, to a time not less than twenty-four, or more than seventy-two hours subsequent to the hour when the polls were opened at the first balloting.

Proceedings at and after meetings for elections of mayor, &c.

Provido as to adjournment of meetings.

SECTION 7. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person elected mayor, to be notified in writing of his election; but if it shall appear that no person has received a plurality of the votes, or if the person elected shall refuse to accept the office, the board shall forthwith issue its warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and repeated from time to time until a mayor shall be chosen.

Mayor elect to be notified.

Proceedings in case of failure to elect mayor or aldermen, or refusal to serve.

If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are herein before provided, in regard to the office of mayor. Each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

In case of the decease or resignation of the mayor, the board of aldermen and common council shall respectively by vote declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention, and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office during the remainder of the year, and until another shall be elected and qualified in his stead.

—In case of vacancy in office of mayor or aldermen.

In absence of mayor, who to preside.

In case of the absence of the mayor or of his inability to perform the duties of his office, the board of aldermen shall elect one of their number a presiding officer, who shall perform all the duties incumbent on the mayor, until the inability shall be removed.

Mayor and city council to meet in convention on first Tuesday of January and be qualified.

SECTION 8. The mayor, aldermen and common councilmen elect shall, on the first Tuesday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the mayor, by any justice of the peace for the county of Bristol, and to the members of the two boards present, by the mayor or city clerk, or by any justice of the peace for the county of Bristol; and a certificate setting forth that such oath has been taken, shall be entered upon the journals of the mayor and aldermen, and of the common council, by their respective clerks.

Certificate of qualification to be recorded.

Record in case of failure to elect mayor.

Whenever it shall appear that a mayor has not been elected previously to the said first Tuesday in January, the mayor and aldermen for the time being shall make a record of the fact, an attested copy of which the city clerk shall read at the opening of the convention, to be held as aforesaid on the first Tuesday of January.

Organization of common council.

After the oaths have been administered as aforesaid, the two branches shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be under oath faithfully to perform the duties of his office.

Proceeding if the mayor or members of city council are absent at organization.

In case of the absence of the mayor elect, on the first Tuesday of January, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two branches, be administered to the mayor, and to any member of the city council absent at the organization. Each board shall keep a record of its own proceedings, and shall be judge of the election of its own members.

Each board to keep a record and judge election of members.

Duties of mayor.

SECTION 9. The mayor shall be the chief executive officer of the city. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever the public good shall require, remove any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination.

He may call special meetings of the board of aldermen and common council, or either of them, when, in his opinion, the interests of the city require, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

He shall, from time to time, communicate to both boards such information, and recommend such measures as the business and interests of the city may, in his opinion, require.

The mayor, when present, shall preside in the board of aldermen, and in convention of the two branches, but shall have a casting vote only.

The mayor shall receive for his services a salary to be fixed on or before the first Tuesday in June, annually, for the succeeding year, by the city council; which salary shall not exceed the sum of fifteen hundred dollars annually, and he shall receive no other compensation: but such salary shall not be increased or diminished during the period for which he is chosen.

Salary.

Not to be changed during period for which chosen.

SECTION 10. The executive power of said city generally, together with the administration of the police, and all the powers now vested in the selectmen of towns by the general laws of the Commonwealth, by particular laws relative to the powers and duties of said selectmen, or by the usages, votes and ordinances of said city of New Bedford, shall be and hereby are vested in the mayor and aldermen, as fully and amply as if the same were herein specially enumerated.

Executive powers vested in mayor and aldermen.

The mayor and aldermen, may require any person appointed a marshal or constable of the city, to give bonds, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by the selectmen of towns in this Commonwealth.

Powers regarding requirement of bonds by constables, &c.

All meetings of the mayor and aldermen (when they are not engaged in executive business,) and of the city council and common council, shall be open to the public.

Meetings to be open, except, &c.

SECTION 11. The mayor and aldermen shall be surveyors of highways.

Surveyors of highways.

SECTION 12. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a city marshal and assistant-marshals and constables, who shall hold their offices until others are chosen and qualified in their stead; and all other needful police officers, who shall hold office for such time as the city council shall by standing ordinance prescribe: *provided, how-*

Marshals and constables to be elected by city council upon nomination by the mayor.

Proviso.

ever, that no person shall be chosen a marshal or constable, or to any other office in the department of the police of the city, who shall not have been nominated to the city council by the mayor.

Subordinate officers to be appointed as prescribed by ordinance.

The city council shall in such manner as their ordinance shall prescribe, appoint or elect all subordinate officers (whose appointment or election is not otherwise provided for,) for the ensuing year. In case of a vacancy in any of said offices, the same shall be filled in the manner prescribed in this section.

Treasurer and city clerk.

The city council shall in the month of April, annually, elect by joint ballot, in convention, a city treasurer, who shall be collector of taxes, and a city clerk, for the ensuing year, who shall hold their respective offices until others are chosen and qualified in their stead. If by reason of temporary absence or disability, the city clerk is prevented from performing the duties of his office, the board of aldermen may appoint a city clerk *pro tempore*, who shall be sworn to the faithful performance of his duties, and shall hold the office until the disability shall be removed, or a vacancy is declared and filled in the manner prescribed in this section. The city council shall define the duties and fix the compensations of all officers appointed or elected by them, when such duties and compensations shall not be defined and fixed by the laws of the Commonwealth.

City clerk *pro tempore* may be elected, if clerk absent.

Officers' duties and compensations to be defined by city council.

Appropriations.

The city council shall take care that no money be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of the city buildings, and the custody and management of all city property, with the power to let or sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the inhabitants may in their judgment require it.

Accountability.

Care of public property.

Power to sell and purchase.

Account of receipts and expenditures to be published.

The city council shall as often as once in a year cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, a schedule of the city property, and a statement of the city debt.

Powers of city council concerning streets and ways.

SECTION 13. The mayor and aldermen shall have the same power in relation to laying out, widening, altering or discontinuing any street or way, and the allowance of damages, which selectmen of towns now by law have; and the city council shall have the same power in relation to the

acceptance, widening, altering or discontinuing of streets and ways, which the inhabitants of towns now by law have.

Any person aggrieved by any proceedings of the mayor and aldermen or city council, in the exercise of such powers, shall have the same right of appeal to the county commissioners of the county of Bristol as is given by the laws of this Commonwealth to appeal from the decision of selectmen or inhabitants of towns.

Appeals for damages.

SECTION 14. All the power and authority by law vested in the board of health for towns shall be vested in the city council, to be carried into execution by the appointment of health commissioners, or in such manner as the city council may deem expedient.

Health officers.

SECTION 15. The city council shall have authority to cause drains and common sewers to be laid through any streets or private lands, paying the owners such damage, as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drains or common sewers.

Regulations concerning drains and sewers.

SECTION 16. The city council may establish ordinances for the inspection, survey, weighing, admeasurement and sale of all lumber, wood, coal and bark within the city, and impose suitable penalties for the violation thereof.

—inspection and sale of lumber, &c.

SECTION 17. The city council shall have the same power to make all salutary and needful ordinances as towns have by the laws of this Commonwealth, to make and establish by-laws, and to annex penalties, not exceeding fifty dollars, for the breach thereof; which ordinances shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court or authority whatever; and all ordinances of said city shall be duly published in such newspapers as the city council shall direct: *provided, however*, that all by-laws, regulations and ordinances now in force in the city of New Bedford shall, until they expire by their own limitation or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance of the city, shall be paid into the city treasury.

City council may make ordinances, with penalties.

Proviso.

SECTION 18. It shall be the duty of the city council, and they are empowered during the year eighteen hundred and seventy-five, and in every tenth year thereafter, to cause a new division of the city to be made into six wards, in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistently with well defined limits to each ward; and until such division be made, the boundary lines of the wards shall remain as now established.

New division of wards to be made every ten years.

City clerk to be clerk of board of aldermen, and be sworn.

SECTION 19. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties; he shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns. He shall call meetings of the city council or of either branch thereof upon being requested so to do by a majority of its members in writing, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

His duties.

Term of office.

He shall be chosen for one year, and until another is chosen and qualified in his place, but may at any time be removed by the city council. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record books, papers, documents and other things held by him in his capacity as city clerk.

Overseers of the poor.

SECTION 20. The qualified voters, at their respective annual ward meetings shall elect by ballot, one person in each ward, who shall be a resident of the ward, to be an overseer of the poor; and the persons thus chosen, shall with the mayor of the city, constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties belonging to overseers of the poor of towns.

School committee.

SECTION 21. The qualified voters at their respective annual ward meetings shall elect by ballot, one person in each ward, who shall be a resident of the ward, to be a member of the school committee, who shall hold his office for three years. And the persons thus chosen, with those whose terms of office have not expired, shall constitute the school committee, and have the care and superintendence of the public schools. The president of the common council shall be *ex officio*, a member of the school committee.

Assessors of taxes.

SECTION 22. The qualified voters of the city, at the annual meetings in their respective wards, shall elect by ballot, one person to be an assessor at large, who shall hold his office for three years, and until another is chosen and qualified in his stead; and the person thus chosen assessor at large, with those whose terms of office have not expired, shall constitute the board of assessors, and shall exercise all the powers, and be subject to all the duties and liabilities of assessors of towns.

Vacancies.

In case of a vacancy in the board of assessors, the city council, in convention, shall elect, by ballot, a person to fill the same, who shall hold the office until the next annual meeting for the choice of municipal officers, and until another person shall be chosen and qualified in his stead;

and at said annual meeting, a person shall be elected to said office, who shall hold the same for the residue of the unexpired term.

The qualified voters shall, at the same time, and in like manner, elect one person in each ward, who shall be a resident in the ward, to be an assistant-assessor, who shall hold his office for one year, and until another is chosen and qualified in his stead; and it shall be the duty of the persons so chosen, to furnish the assessors with all such information as they may require, relative to the persons and property taxable in their respective wards; and they shall receive for their services such compensation, per diem, as the city council may determine. Assistant-assessors.

All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: Taxes to be assessed, &c., according to law. *provided, however,* that the city council may establish further or additional provisions for the collection thereof. Proviso.

In case of failure to elect an assessor at large, the same proceedings shall be had as are herein before provided in regard to aldermen.

SECTION 23. All elections for county, state and United States officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for said several officers respectively, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record at length; and the ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. Proceedings at and after meetings for election of county, state and federal officers.

The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns.

In all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and laws of the Commonwealth.

SECTION 24. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which Lists of voters to be prepared by the mayor and aldermen.

selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be empowered to call for the assistance of all assessors, assistant-assessors, and other city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote at such election whose name is not borne on such list.

No person to vote unless name is on list.

Rules regarding lists may be established by city council.

And the city council shall have authority to establish such rules and regulations as to making out, publishing and using such lists of qualified voters, as they shall deem proper, not inconsistent with the constitution and laws of the Commonwealth.

General meetings of citizens.

SECTION 25. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of the Commonwealth; and such meetings shall be duly warned by the mayor and aldermen upon the requisition of fifty qualified voters.

Police court.

SECTION 26. The police court of New Bedford shall have cognizance of all offences against the ordinances, by-laws and regulations, established by the city council of the city of New Bedford, and may, on conviction thereof, award such sentence as law and justice may require.

Any person aggrieved by such sentence may appeal therefrom to the superior court for the county of Bristol, under the restrictions and conditions provided by law in other cases of appeal from said court.

In all prosecutions by complaint before the said police court, founded on the special acts of the legislature, on the ordinances and by-laws of the city of New Bedford, it shall be sufficient to set forth in such complaint the offence, fully and plainly, substantially and formally; and in such complaint, it shall not be necessary to set forth such special act, by-law or ordinance, or any part thereof.

Charter may be amended by legislature.

SECTION 27. Nothing contained in this act shall be construed to prevent the legislature from altering or amending the same, whenever it shall deem it expedient.

Repeal.

SECTION 28. All acts and parts of acts inconsistent herewith, are hereby repealed; and no act which has been heretofore repealed, shall be revived by the repeal of acts mentioned in this section.

Act void unless accepted by inhabitants.

SECTION 29. This act shall be void unless the inhabitants of said city at a legal meeting called for that purpose shall,

by a vote of a majority of the voters present and voting thereon, by written ballot, determine to adopt the same, within sixty days from and after its passage.

Approved May 20, 1868.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN STEAMSHIP COMPANY.

Chap. 229

Be it enacted, &c., as follows :

SECTION 1. The periods of time allowed to the American Steamship Company for the performance of the acts required of said company by the fourth section of the one hundred and twelfth chapter of the acts of the year eighteen hundred and sixty-three, are hereby severally extended two years beyond the time now allowed by law.

Time extended
for building
steamships, &c.

SECTION 2. Section second of chapter one hundred and twelve, of the acts of the year eighteen hundred and sixty-three, is hereby amended, by inserting after the word Commonwealth the words "and any port or ports in the United States," and by inserting after the word Ireland, "and any port or ports on the continent of Europe."

Chapter 112, § 2,
1863, amended.

SECTION 3. Section fourth of the aforesaid chapter is hereby amended, by inserting after the word Commonwealth the words "any port or ports in the United States," and by inserting after the word Ireland, "and any port or ports on the continent of Europe."

Chapter 112, § 4,
1863, amended.

SECTION 4. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE MRS. FENNO TUDOR TO CONSTRUCT A WHARF IN NAHANT.

Chap. 230

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Mrs. Fenno Tudor to construct a wharf from her own land at or near Nipper Stage, (so called,) in Nahant, in the county of Essex ; said wharf not to exceed the width of her own land, and not to extend more than two hundred feet beyond the line of low-water : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided*, further, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf
in Nahant.

Subject to ap-
proval of harbor
commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 231 AN ACT TO AUTHORIZE THE MAGEE FURNACE COMPANY TO EXTEND ITS WHARF IN CHELSEA.

Be it enacted, &c., as follows :

May extend
wharf in
Chelsea.

Subject to ap-
proval of harbor
commissioners.

Provisos.

SECTION 1. License is hereby given to the Magee Furnace Company to extend its wharf in Chelsea, in a south-westerly direction to the harbor lines : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 232 AN ACT TO AUTHORIZE MARY A. GILLEY AND HEIRS OF JOHN GILLEY TO EXTEND THEIR WHARF IN MARBLEHEAD.

Be it enacted, &c., as follows :

May extend
wharf in
Marblehead.

Subject to ap-
proval of harbor
commissioners.

Provisos.

SECTION 1. License is hereby given to Mary A. Gilley, and the heirs of John Gilley, to extend Gilley's Wharf, so called, in the town of Marblehead, twenty-five feet beyond its present line : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 233 AN ACT TO AUTHORIZE CHARLES R. WHITMARSH TO EXTEND HIS WHARF IN DIGHTON.

Be it enacted, &c., as follows :

May extend
wharf in
Dighton.

Subject to ap-
proval of harbor
commissioners.

SECTION 1. License is hereby given to Charles E. Whitmarsh to extend his wharf, in the town of Dighton, on the west side of Taunton Great River, northerly on a line with the channel, and to the extent of his land upon the shore of the river : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor

commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE BOSTON AND HINGHAM STEAMBOAT COMPANY TO CONSTRUCT A WHARF IN HULL.

Chap. 234

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to the Boston and Hingham Steamboat Company to construct a wharf from their own land on the westerly side of Nantasket Beach, in the town of Hull; said wharf to extend towards or to the harbor lines: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE JOSEPH SIMMONS TO CONSTRUCT A WHARF IN SOMERSET.

Chap. 235

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Joseph Simmons to construct and extend a wharf from a lot of land now owned by him, situate in the northerly part of the village of Somerset, bordering on Taunton River; said wharf not to exceed the width of his land, and not to exceed two hundred and fifty feet from high-water mark towards the channel of the river: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be

revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 236 AN ACT TO AUTHORIZE BENJAMIN T. REED AND WILLIAM E. THRASHER TO CONSTRUCT A WHARF IN SOMERSET.

Be it enacted, &c., as follows :

May build wharf
in Somerset.

Subject to ap-
proval of harbor
commissioners.

Provisos.

SECTION 1. License is hereby given to Benjamin T. Reed and William E. Thrasher, to construct and extend a wharf from a lot of land now owned by them, upon the westerly side of Taunton River, in the town of Somerset ; said wharf not to exceed the width of their land, and not to exceed one hundred and twenty-five feet from high-water mark, towards the channel of the river : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same,

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 237 AN ACT AUTHORIZING THE FITCHBURG RAILROAD COMPANY TO MAINTAIN AND USE A WHARF.

Be it enacted, &c., as follows :

May maintain
wharf in Bos-
ton.

May improve
drawbridge over
Charles River.

SECTION 1. The Fitchburg Railroad Company is hereby authorized, subject to the provisions of section four, chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, to maintain and use the wharf extending from their railroad bridge near the northerly end of their car-house in Boston, to the south-westerly side of Warren Bridge, as a bridge and way, and to make such changes in said wharf as to prepare it for such use ; and said company may take any lease or private rights in said wharf that they may deem needful, in the manner provided in the sixty-third chapter of the General Statutes, and the acts in addition thereto, paying damages therefor, to be assessed in the manner provided in said statutes ; and said company are also authorized to maintain or otherwise

improve their drawbridge over Charles River by constructing a new drawbridge or widening their present drawbridge: *provided*, that said company shall maintain such bridge and way in a condition safe and convenient for travel, for business connected with their railroad, and that such new drawbridge or widening, or any part thereof, shall not extend more than thirty feet easterly from the easterly side of the present drawbridge; and *provided, further*, that said company shall pay for all rights hereby granted in any property of the Commonwealth such sum of money as the harbor commissioners, subject to the approval of the governor and council, shall require.

SECTION 2. This act shall be void unless accepted by the board of directors of said company within three months after the approval by the governor and council of the sum fixed by the harbor commissioners to be paid by said company as herein provided; and notice of such acceptance shall be given to the secretary of the Commonwealth and the harbor commissioners.

Approved May 25, 1868.

AN ACT TO REVIVE THE CHARLES RIVER NAVIGATION COMPANY. *Chap. 238*
Be it enacted, &c., as follows:

The time for organizing the Charles River Navigation Company, incorporated by chapter fifty-seven of the acts of the year eighteen hundred and fifty-seven, is hereby extended to the first day of January, in the year eighteen hundred and seventy; and said corporation is hereby revived, and upon organization before said date, shall possess all the powers, and be entitled to all the privileges and immunities, secured by said original charter.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO ESTABLISH A LINE OF STEAMBOATS, AND FOR OTHER PURPOSES. *Chap. 239*

Be it enacted, &c., as follows:

SECTION 1. The New London Northern Railroad Company is hereby authorized to establish and own a line of steamboats, to be operated by said company between New London, in the state of Connecticut, and the city of New York, in connection with the railroad of said company; or said railroad company may subscribe for and hold shares in the capital stock of any corporation that may be authorized to establish a line of steamboats between the points aforesaid, to an amount not exceeding four hundred thousand dollars.

SECTION 2. Said railroad company, if it does not act under the first section of this act, is hereby authorized to guaranty the bonds of any corporation authorized to estab-

Proviso.

Act void, unless, &c.

Corporation revived, and time for organizing extended.

May establish line of steamboats between New London and New York.

May take stock in corporation for like purpose.

May guarantee bonds of other corporation, or issue bonds.

lish a line of steamboats, as aforesaid, to an amount not exceeding four hundred thousand dollars, or to issue its own bonds to the amount of four hundred thousand dollars, bearing interest at the rate of six per centum per annum, and to secure the same by a mortgage of the railroad, equipment, and franchise of said company.

\$400,000 additional capital stock.

SECTION 3. Said New London Northern Railroad Company is hereby authorized to increase its capital stock until the same shall amount to two millions of dollars.

Approved May 25, 1868.

Chap. 240 AN ACT TO INCREASE THE CAPITAL STOCK OF THE BOSTON SKATING RINK ASSOCIATION.

Be it enacted, &c., as follows :

\$50,000 additional capital stock.

SECTION 1. The capital stock of the Boston Skating Rink Association is hereby increased to one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 241 AN ACT TO CHANGE THE NAME OF THE BROADWAY RAILROAD COMPANY.

Be it enacted, &c., as follows :

Name changed to "South Boston Railroad Co."

The Broadway Railroad Company shall take the name of the South Boston Railroad Company.

Approved May 25, 1868.

Chap. 242 AN ACT TO INCORPORATE THE MECHANICS' MILLS IN FALL RIVER.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real estate, \$400,000.

Capital stock and shares.

Proviso.

SECTION 1. Thomas J. Borden, Stephen Davol, Lazarus Borden, their associates and successors, are hereby made a corporation by the name of the Mechanics' Mills, for the purpose of manufacturing cotton or woollen goods, or any fabric wholly or in part of wool, cotton, silk, flax, hemp or jute, in the city of Fall River; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding four hundred thousand dollars; and the whole capital stock shall not exceed eight hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until two hundred thousand dollars of its capital stock has been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE DEDHAM GAS LIGHT COMPANY." *Chap. 243*

Be it enacted, &c., as follows :

SECTION 1. The Dedham Gas Light Company, with the consent of the selectmen of Hyde Park, may extend its pipes into, and sell gas in the town of Hyde Park ; with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions in said town, which the said company now has and to which it is now subject in the town of Dedham. The selectmen of Hyde Park shall have all the powers over said company in Hyde Park which the selectmen of Dedham now have in Dedham.

May extend pipes into Hyde Park if selectmen consent.

SECTION 2. Said company may increase its capital stock to an amount not exceeding one hundred and fifty thousand dollars.

\$150,000 additional capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE INHABITANTS OF THE TOWN OF FRANKLIN TO PAY THE FIRST CONGREGATIONAL PARISH OF FRANKLIN THE SUM OF FIFTEEN HUNDRED DOLLARS. *Chap. 244*

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of the town of Franklin are hereby authorized to pay to the First Congregational parish of said town the sum of fifteen hundred dollars, in consideration of the purchase of their common by said town.

May pay First Congregational Parish \$1,500 for common.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO INCORPORATE THE TUDOR COMPANY.

Chap. 245

Be it enacted, &c., as follows :

SECTION 1. Samuel E. Sewall, Charles H. Minot, Benjamin F. Field, their associates and successors, are hereby made a corporation by the name of the Tudor Company, for the purpose of manufacturing jute, linseed, rough rice and leaf tobacco, and for the purpose of exporting ice and other merchandise in vessels chartered by said company to export ice, and for the importation of such merchandise as they may find necessary for the proper transaction of their ice business ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relative to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation is fixed and limited to six hundred thousand dollars, which shall be divided into shares of one hundred dollars each ; and said corporation may hold, for the purposes aforesaid, in this

Capital stock and shares.

City clerk to be clerk of board of aldermen, and be sworn.

SECTION 19. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties; he shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns. He shall call meetings of the city council or of either branch thereof upon being requested so to do by a majority of its members in writing, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

His duties.

Term of office.

He shall be chosen for one year, and until another is chosen and qualified in his place, but may at any time be removed by the city council. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record books, papers, documents and other things held by him in his capacity as city clerk.

Overseers of the poor.

SECTION 20. The qualified voters, at their respective annual ward meetings shall elect by ballot, one person in each ward, who shall be a resident of the ward, to be an overseer of the poor; and the persons thus chosen, shall with the mayor of the city, constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties belonging to overseers of the poor of towns.

School committee.

SECTION 21. The qualified voters at their respective annual ward meetings shall elect by ballot, one person in each ward, who shall be a resident of the ward, to be a member of the school committee, who shall hold his office for three years. And the persons thus chosen, with those whose terms of office have not expired, shall constitute the school committee, and have the care and superintendence of the public schools. The president of the common council shall be *ex officio*, a member of the school committee.

Assessors of taxes.

SECTION 22. The qualified voters of the city, at the annual meetings in their respective wards, shall elect by ballot, one person to be an assessor at large, who shall hold his office for three years, and until another is chosen and qualified in his stead; and the person thus chosen assessor at large, with those whose terms of office have not expired, shall constitute the board of assessors, and shall exercise all the powers, and be subject to all the duties and liabilities of assessors of towns.

Vacancies.

In case of a vacancy in the board of assessors, the city council, in convention, shall elect, by ballot, a person to fill the same, who shall hold the office until the next annual meeting for the choice of municipal officers, and until another person shall be chosen and qualified in his stead;

He may call special meetings of the board of aldermen and common council, or either of them, when, in his opinion, the interests of the city require, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

He shall, from time to time, communicate to both boards such information, and recommend such measures as the business and interests of the city may, in his opinion, require.

The mayor, when present, shall preside in the board of aldermen, and in convention of the two branches, but shall have a casting vote only.

The mayor shall receive for his services a salary to be fixed on or before the first Tuesday in June, annually, for the succeeding year, by the city council; which salary shall not exceed the sum of fifteen hundred dollars annually, and he shall receive no other compensation: but such salary shall not be increased or diminished during the period for which he is chosen.

Salary.

Not to be changed during period for which chosen.

SECTION 10. The executive power of said city generally, together with the administration of the police, and all the powers now vested in the selectmen of towns by the general laws of the Commonwealth, by particular laws relative to the powers and duties of said selectmen, or by the usages, votes and ordinances of said city of New Bedford, shall be and hereby are vested in the mayor and aldermen, as fully and amply as if the same were herein specially enumerated.

Executive powers vested in mayor and aldermen.

The mayor and aldermen, may require any person appointed a marshal or constable of the city, to give bonds, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by the selectmen of towns in this Commonwealth.

Powers regarding requirement of bonds by constables, &c.

All meetings of the mayor and aldermen (when they are not engaged in executive business,) and of the city council and common council, shall be open to the public.

Meetings to be open, except, &c.

SECTION 11. The mayor and aldermen shall be surveyors of highways.

Surveyors of highways.

SECTION 12. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a city marshal and assistant-marshals and constables, who shall hold their offices until others are chosen and qualified in their stead; and all other needful police officers, who shall hold office for such time as the city council shall by standing ordinance prescribe: *provided, how-*

Marshals and constables to be elected by city council upon nomination by the mayor.

Proviso.

selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be empowered to call for the assistance of all assessors, assistant-assessors, and other city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote at such election whose name is not borne on such list.

No person to vote unless name is on list.

Rules regarding lists may be established by city council.

And the city council shall have authority to establish such rules and regulations as to making out, publishing and using such lists of qualified voters, as they shall deem proper, not inconsistent with the constitution and laws of the Commonwealth.

General meetings of citizens.

SECTION 25. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of the Commonwealth; and such meetings shall be duly warned by the mayor and aldermen upon the requisition of fifty qualified voters.

Police court.

SECTION 26. The police court of New Bedford shall have cognizance of all offences against the ordinances, by-laws and regulations, established by the city council of the city of New Bedford, and may, on conviction thereof, award such sentence as law and justice may require.

Any person aggrieved by such sentence may appeal therefrom to the superior court for the county of Bristol, under the restrictions and conditions provided by law in other cases of appeal from said court.

In all prosecutions by complaint before the said police court, founded on the special acts of the legislature, on the ordinances and by-laws of the city of New Bedford, it shall be sufficient to set forth in such complaint the offence, fully and plainly, substantially and formally; and in such complaint, it shall not be necessary to set forth such special act, by-law or ordinance, or any part thereof.

Charter may be amended by legislature.

SECTION 27. Nothing contained in this act shall be construed to prevent the legislature from altering or amending the same, whenever it shall deem it expedient.

Repeal.

SECTION 28. All acts and parts of acts inconsistent herewith, are hereby repealed; and no act which has been heretofore repealed, shall be revived by the repeal of acts mentioned in this section.

Act void unless accepted by inhabitants.

SECTION 29. This act shall be void unless the inhabitants of said city at a legal meeting called for that purpose shall,

by a vote of a majority of the voters present and voting thereon, by written ballot, determine to adopt the same, within sixty days from and after its passage.

Approved May 20, 1868.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN STEAMSHIP COMPANY.

Chap. 229

Be it enacted, &c., as follows :

SECTION 1. The periods of time allowed to the American Steamship Company for the performance of the acts required of said company by the fourth section of the one hundred and twelfth chapter of the acts of the year eighteen hundred and sixty-three, are hereby severally extended two years beyond the time now allowed by law.

Time extended for building steamships, &c.

SECTION 2. Section second of chapter one hundred and twelve, of the acts of the year eighteen hundred and sixty-three, is hereby amended, by inserting after the word Commonwealth the words "and any port or ports in the United States," and by inserting after the word Ireland, "and any port or ports on the continent of Europe."

Chapter 112, § 2, 1868, amended.

SECTION 3. Section fourth of the aforesaid chapter is hereby amended, by inserting after the word Commonwealth the words "any port or ports in the United States," and by inserting after the word Ireland, "and any port or ports on the continent of Europe."

Chapter 112, § 4, 1868, amended.

SECTION 4. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE MRS. FENNO TUDOR TO CONSTRUCT A WHARF IN NAHANT.

Chap. 230

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Mrs. Fenno Tudor to construct a wharf from her own land at or near Nipper Stage, (so called,) in Nahant, in the county of Essex ; said wharf not to exceed the width of her own land, and not to extend more than two hundred feet beyond the line of low-water : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf in Nahant.

Subject to approval of harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 231 AN ACT TO AUTHORIZE THE MAGEE FURNACE COMPANY TO EXTEND ITS WHARF IN CHELSEA.

Be it enacted, &c., as follows :

May extend
wharf in
Chelsea.
Subject to ap-
proval of harbor
commissioners.

Provisos.

SECTION 1. License is hereby given to the Magee Furnace Company to extend its wharf in Chelsea, in a south-westerly direction to the harbor lines : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 232 AN ACT TO AUTHORIZE MARY A. GILLEY AND HEIRS OF JOHN GILLEY TO EXTEND THEIR WHARF IN MARBLEHEAD.

Be it enacted, &c., as follows :

May extend
wharf in
Marblehead.

Subject to ap-
proval of harbor
commissioners.

Provisos.

SECTION 1. License is hereby given to Mary A. Gilley, and the heirs of John Gilley, to extend Gilley's Wharf, so called, in the town of Marblehead, twenty-five feet beyond its present line : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 233 AN ACT TO AUTHORIZE CHARLES E. WHITMARSH TO EXTEND HIS WHARF IN DIGHTON.

Be it enacted, &c., as follows :

May extend
wharf in
Dighton.

Subject to ap-
proval of harbor
commissioners.

SECTION 1. License is hereby given to Charles E. Whitmarsh to extend his wharf, in the town of Dighton, on the west side of Taunton Great River, northerly on a line with the channel, and to the extent of his land upon the shore of the river : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor

commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE BOSTON AND HINGHAM STEAMBOAT COMPANY TO CONSTRUCT A WHARF IN HULL.

Chap. 234

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to the Boston and Hingham Steamboat Company to construct a wharf from their own land on the westerly side of Nantasket Beach, in the town of Hull ; said wharf to extend towards or to the harbor lines : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf at Nantasket Beach in Hull.

Subject to approval of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE JOSEPH SIMMONS TO CONSTRUCT A WHARF IN SOMERSET.

Chap. 235

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Joseph Simmons to construct and extend a wharf from a lot of land now owned by him, situate in the northerly part of the village of Somerset, bordering on Taunton River ; said wharf not to exceed the width of his land, and not to exceed two hundred and fifty feet from high-water mark towards the channel of the river : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be

May extend wharf in Somerset.

Subject to approval of harbor commissioners.

Provisos.

revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 236 AN ACT TO AUTHORIZE BENJAMIN T. REED AND WILLIAM E. THRASHER TO CONSTRUCT A WHARF IN SOMERSET.

Be it enacted, &c., as follows :

May build wharf
in Somerset.

Subject to ap-
proval of harbor
commissioners.

Provides.

SECTION 1. License is hereby given to Benjamin T. Reed and William E. Thrasher, to construct and extend a wharf from a lot of land now owned by them, upon the westerly side of Taunton River, in the town of Somerset ; said wharf not to exceed the width of their land, and not to exceed one hundred and twenty-five feet from high-water mark, towards the channel of the river: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same,

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 237 AN ACT AUTHORIZING THE FITCHBURG RAILROAD COMPANY TO MAINTAIN AND USE A WHARF.

Be it enacted, &c., as follows :

May maintain
wharf in Bos-
ton.

May improve
drawbridge over
Charles River.

SECTION 1. The Fitchburg Railroad Company is hereby authorized, subject to the provisions of section four, chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, to maintain and use the wharf extending from their railroad bridge near the northerly end of their car-house in Boston, to the south-westerly side of Warren Bridge, as a bridge and way, and to make such changes in said wharf as to prepare it for such use ; and said company may take any lease or private rights in said wharf that they may deem needful, in the manner provided in the sixty-third chapter of the General Statutes, and the acts in addition thereto, paying damages therefor, to be assessed in the manner provided in said statutes ; and said company are also authorized to maintain or otherwise

improve their drawbridge over Charles River by constructing a new drawbridge or widening their present drawbridge: *provided*, that said company shall maintain such bridge and way in a condition safe and convenient for travel, for business connected with their railroad, and that such new drawbridge or widening, or any part thereof, shall not extend more than thirty feet easterly from the easterly side of the present drawbridge; and *provided, further*, that said company shall pay for all rights hereby granted in any property of the Commonwealth such sum of money as the harbor commissioners, subject to the approval of the governor and council, shall require.

Provides.

SECTION 2. This act shall be void unless accepted by the board of directors of said company within three months after the approval by the governor and council of the sum fixed by the harbor commissioners to be paid by said company as herein provided; and notice of such acceptance shall be given to the secretary of the Commonwealth and the harbor commissioners.

Act void, unless, &c.

Approved May 25, 1868.

AN ACT TO REVIVE THE CHARLES RIVER NAVIGATION COMPANY. *Chap. 238*
Be it enacted, &c., as follows:

The time for organizing the Charles River Navigation Company, incorporated by chapter fifty-seven of the acts of the year eighteen hundred and fifty-seven, is hereby extended to the first day of January, in the year eighteen hundred and seventy; and said corporation is hereby revived, and upon organization before said date, shall possess all the powers, and be entitled to all the privileges and immunities, secured by said original charter.

Corporation revived, and time for organizing extended.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO ESTABLISH A LINE OF STEAMBOATS, AND FOR OTHER PURPOSES. *Chap. 239*

Be it enacted, &c., as follows:

SECTION 1. The New London Northern Railroad Company is hereby authorized to establish and own a line of steamboats, to be operated by said company between New London, in the state of Connecticut, and the city of New York, in connection with the railroad of said company; or said railroad company may subscribe for and hold shares in the capital stock of any corporation that may be authorized to establish a line of steamboats between the points aforesaid, to an amount not exceeding four hundred thousand dollars.

May establish line of steamboats between New London and New York.

May take stock in corporation for like purpose.

SECTION 2. Said railroad company, if it does not act under the first section of this act, is hereby authorized to guaranty the bonds of any corporation authorized to estab-

May guarantee bonds of other corporation, or issue bonds.

Chap. 265 AN ACT RESPECTING NOTICES OF NON-ACCEPTANCE OR NON-PAYMENT OF NEGOTIABLE INSTRUMENTS, IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Notice of non-payment of bill of exchange, &c., in Boston, may be sent by mail.

SECTION 1. Whenever a party to any promissory note, bill of exchange or other negotiable instrument, is entitled to notice of the non-acceptance or non-payment of the same, and such instrument is payable, or to be accepted, or is legally presented for payment or acceptance in the city of Boston, and such party has his residence or place of business in said city ; or where, for any other reason, a notice given to such party in said city would be sufficient, such notice may be given by depositing the same, with the postage thereon prepaid, in any post-office in said city, sufficiently directed to the residence or place of business of the party for the usual course of mails to other post-offices within the limits of said city, and for the usual course of delivery by postal carriers.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1868.

Chap. 266 AN ACT TO INCORPORATE THE HAVERHILL ODD FELLOWS' HALL ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. F. J. Stevens, A. B. Jaques, W. A. Brooks, their associates and successors, trustees of the fund of the Odd Fellows' Hall Association, in Haverhill, are hereby made a corporation, under the name of the Haverhill Odd Fellows' Hall Association, for the purpose of managing and administering the funds belonging to said association, and of building and maintaining a hall, according to the terms of their trust ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1868.

Chap. 267 AN ACT TO AUTHORIZE THE BOSTON YOUNG MEN'S CHRISTIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows :

\$250,000 in real and personal estate.

The Boston Young Men's Christian Association is hereby authorized to hold real and personal estate, to an amount not exceeding in all two hundred and fifty thousand dollars in value.

Approved May 27, 1868.

commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE BOSTON AND HINGHAM STEAMBOAT COMPANY TO CONSTRUCT A WHARF IN HULL.

Chap. 234

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to the Boston and Hingham Steamboat Company to construct a wharf from their own land on the westerly side of Nantasket Beach, in the town of Hull; said wharf to extend towards or to the harbor lines: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf at Nantasket Beach in Hull.

Subject to approval of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

AN ACT TO AUTHORIZE JOSEPH SIMMONS TO CONSTRUCT A WHARF IN SOMERSET.

Chap. 235

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Joseph Simmons to construct and extend a wharf from a lot of land now owned by him, situate in the northerly part of the village of Somerset, bordering on Taunton River; said wharf not to exceed the width of his land, and not to exceed two hundred and fifty feet from high-water mark towards the channel of the river: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be

May extend wharf in Somerset.

Subject to approval of harbor commissioners.

Provisos.

revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 236 AN ACT TO AUTHORIZE BENJAMIN T. REED AND WILLIAM E. THRASHER TO CONSTRUCT A WHARF IN SOMERSET.

Be it enacted, &c., as follows :

May build wharf
in Somerset.

Subject to ap-
proval of harbor
commissioners.

Proviso.

SECTION 1. License is hereby given to Benjamin T. Reed and William E. Thrasher, to construct and extend a wharf from a lot of land now owned by them, upon the westerly side of Taunton River, in the town of Somerset ; said wharf not to exceed the width of their land, and not to exceed one hundred and twenty-five feet from high-water mark, towards the channel of the river : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same,

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1868.

Chap. 237 AN ACT AUTHORIZING THE FITCHBURG RAILROAD COMPANY TO MAINTAIN AND USE A WHARF.

Be it enacted, &c., as follows :

May maintain
wharf in Bos-
ton.

May improve
drawbridge over
Charles River.

SECTION 1. The Fitchburg Railroad Company is hereby authorized, subject to the provisions of section four, chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, to maintain and use the wharf extending from their railroad bridge near the northerly end of their car-house in Boston, to the south-westerly side of Warren Bridge, as a bridge and way, and to make such changes in said wharf as to prepare it for such use ; and said company may take any lease or private rights in said wharf that they may deem needful, in the manner provided in the sixty-third chapter of the General Statutes, and the acts in addition thereto, paying damages therefor, to be assessed in the manner provided in said statutes ; and said company are also authorized to maintain or otherwise

improve their drawbridge over Charles River by constructing a new drawbridge or widening their present drawbridge: *provided*, that said company shall maintain such bridge and way in a condition safe and convenient for travel, for business connected with their railroad, and that such new drawbridge or widening, or any part thereof, shall not extend more than thirty feet easterly from the easterly side of the present drawbridge; and *provided, further*, that said company shall pay for all rights hereby granted in any property of the Commonwealth such sum of money as the harbor commissioners, subject to the approval of the governor and council, shall require. Proviso.

SECTION 2. This act shall be void unless accepted by the board of directors of said company within three months after the approval by the governor and council of the sum fixed by the harbor commissioners to be paid by said company as herein provided; and notice of such acceptance shall be given to the secretary of the Commonwealth and the harbor commissioners. Act void, unless, &c.

Approved May 25, 1868.

AN ACT TO REVIVE THE CHARLES RIVER NAVIGATION COMPANY. Chap. 238
Be it enacted, &c., as follows:

The time for organizing the Charles River Navigation Company, incorporated by chapter fifty-seven of the acts of the year eighteen hundred and fifty-seven, is hereby extended to the first day of January, in the year eighteen hundred and seventy; and said corporation is hereby revived, and upon organization before said date, shall possess all the powers, and be entitled to all the privileges and immunities, secured by said original charter. Corporation revived, and time for organizing extended.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO ESTABLISH A LINE OF STEAMBOATS, AND FOR OTHER PURPOSES. Chap. 239

Be it enacted, &c., as follows:

SECTION 1. The New London Northern Railroad Company is hereby authorized to establish and own a line of steamboats, to be operated by said company between New London, in the state of Connecticut, and the city of New York, in connection with the railroad of said company; or said railroad company may subscribe for and hold shares in the capital stock of any corporation that may be authorized to establish a line of steamboats between the points aforesaid, to an amount not exceeding four hundred thousand dollars. May establish line of steamboats between New London and New York.

SECTION 2. Said railroad company, if it does not act under the first section of this act, is hereby authorized to guaranty the bonds of any corporation authorized to estab- May take stock in corporation for like purpose.

May guarantee bonds of other corporation, or issue bonds.

Name and purpose.

Real and personal estate.

May receive grants, &c.

Trustees to appoint officers and instructors.

—may confer degrees upon certain conditions.

Proviso.

—to make by-laws for government of college.

Corporate seal.

Boston Dental College, to be located in the city of Boston, for the purpose of teaching dental science and art.

SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, and shall have the right to sue and be sued in their corporate name, and to receive grants, devises and bequests not exceeding the aforementioned amount, to be held and appropriated by the said corporation for the advancement of dental science and art, by means of lectures, clinical instruction, library and museum.

SECTION 3. The persons named in the first section of this act are hereby constituted trustees of said corporation, with power to fill any vacancy in their board; to choose a president, secretary and treasurer; to appoint professors, tutors and instructors, as the interests of sound learning shall require, subject to removal by a vote of two-thirds of the members of said board. Said board of trustees shall consist of not less than eleven nor more than fifteen members.

SECTION 4. The trustees shall have authority to confer the degree of "doctor of dental surgery" upon candidates therefor, who, upon satisfactory examination by the faculty, have been recommended to said trustees for said degree: *provided, however*, that the candidate shall be of good moral character and twenty-one years of age, as a condition for examination, and shall have devoted three years to the study of dentistry with a practitioner of dental surgery who shall be approved by the faculty, or shall have been in the practice of dental surgery for a period not less than eight years, including two full courses of lectures, the last of which shall have been pursued in the above-named college.

SECTION 5. The board of trustees shall have power to make by-laws for the government of said college, not inconsistent with this charter, or with the laws of this Commonwealth. Said by-laws may be altered or amended by a vote of two-thirds of the members constituting said board.

SECTION 6. Said corporation may have a corporate seal and alter the same at pleasure.

SECTION 7. This act shall take effect upon its passage.

Approved June 3, 1868.

Chap. 276

AN ACT IN AMENDMENT OF AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING THE STREETS OF BOSTON.

Be it enacted, &c., as follows:

Estates in Boston benefited by laying out, &c., streets, may be assessed for part of expense.

SECTION 1. Wherever any street in the city of Boston shall be laid out, widened, extended, discontinued, graded or altered, and in the opinion of the board of aldermen of said city, any real estate, including any, a part of which may

have been taken for such purpose, shall receive any benefit and advantage therefrom, beyond that general advantage which all real property in the said city may receive therefrom, the said board may adjudge and determine the value of such benefit and advantage to any such estate, and may assess upon the same a proportional share of the expense of such laying out, widening, discontinuance, grading or alteration, including damages paid under the second section of the act of which this is in amendment: *provided*, that the entire amount assessed for such benefit or advantage upon all the estates shall not exceed in amount one-half the amount of such adjudged benefit and advantage, but in no case shall such assessment exceed the amount to be paid by the said city for such laying out, widening, discontinuance, grading or alteration.

Limit of amount to be assessed.

SECTION 2. The fifth section of the one hundred and seventy-fourth chapter of the acts of the year eighteen hundred and sixty-six, is hereby repealed; but this repeal shall not affect any rights or liabilities which have already accrued under the section hereby repealed.

Repeal.

SECTION 3. The word street in this act shall be construed to include highways, town ways, courts, lanes and alleys.

"Street" defined.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE CITY OF BOSTON, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Chap. 277

Be it enacted, &c., as follows:

SECTION 1. The city of Boston may purchase or otherwise take the lands or any of them, not within the limits of the Boston and Albany Railroad, in said city, which are below the grade of eighteen feet above mean low-water, and all estates, any part of which is below said grade, with the buildings and other fixtures on the land so purchased or taken, situated and lying within the district which is bounded on the north-east by Pleasant street, on the east by Washington street, on the south by Dover street, and on the west and north-west by Tremont street. Said city shall within sixty days from the time they shall take any of said lands, file in the office of the registry of deeds for the county of Suffolk, a description of the lands so taken, as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act, which said description and statement shall be signed by the mayor of said city; and the title to all lands so taken shall vest in

Boston may take certain lands to abate nuisance.

—to file description of lands in registry of deeds.

If damages are agreed upon, to be paid forthwith.

Grade to be raised.

Lands of State not to be injured.

Parties in interest may file bill in equity in S. J. court.

Court to give the usual notice.

Parties failing to appear, to be forever barred.

Description of lands to be filed.

If of less value by act of city or Boston Water Power Company, facts to be stated, &c.

the city of Boston; and if any party whose land is taken, shall agree with the said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith. And it shall be the duty of the city of Boston forthwith to raise the grade of said territory so purchased or taken, laying out and filling up the same with good materials, with reference to a complete drainage thereof, so as to abate the present nuisance, and to preserve the health of the city, and in no wise to affect injuriously the lands of the Commonwealth or its grantees in the back bay, or the system of drainage therein.

SECTION 2. Any person entitled to any estate in any part of the land so taken, may at any time within one year from the time when the same shall be taken, as well in his own behalf as in behalf of all other persons having estates in the land so taken, file a bill in equity in the supreme judicial court, in the county of Suffolk, setting forth the taking of the complainant's land, and the condition of the same in respect to its capacity for drainage, and whether the complainant claims any and what damages against the city of Boston, or the Boston Water Power Company, or any other corporation or person, by reason of any and what wrongful act or omission by their causing a diminution in the value of his land at the time of said taking, and praying an assessment of damages against such parties. And upon the filing of such a bill the said court shall cause notice of the pendency of said bill to be given to the parties named therein as defendants, according to the course of courts of equity, and also public notice thereof, to all persons in whose behalf such bills shall be filed, to appear and become parties thereto, if they shall think fit to do so. Said court shall prescribe how such public notice shall be given, and what length of time shall be allowed for appearing and becoming a party to such suit. Any party failing so to appear and become a party within the time prescribed by the court shall be forever barred from recovering any damages on account of such taking. Each person so appearing and becoming a party, shall file a written description of the land in which he claims an estate, together with a plan thereof, so as clearly to distinguish the same from all other lands, and shall also declare what estate he claims therein. If he claims that the value of said lands at the time of taking the same was lessened by any unlawful act or omission of the city of Boston or the Boston Water Power Company, or any other corporation or person, so that the value of the land, in its condition when taken, would not be a just compensation for all the estate and rights of

the party in and in reference to the same, such party shall also state what such injury is, and how and by whom the same had been or is caused, and what right or title of the party is violated, and what amount of damages in gross is claimed by him, as compensation therefor, from each of the parties defendant.

SECTION 3. Upon the expiration of the time allowed for appearance to the said bill, the said court shall appoint three commissioners, who shall receive such compensation as the said court shall fix, to be paid by the city of Boston.

Commissioners to be appointed by the court and paid by city.

SECTION 4. It shall be the duty of the said commissioners, after due notice, to hear each of the said parties, including the said city of Boston, and the said Boston Water Power Company, and other parties named as defendants, and to assess the present value of each parcel of the said land claimed by any party so appearing, with its capacity for drainage in its present condition; and the amount in gross, if any, of damages done to such parcel of land by reason of any unlawful act or omission of the city of Boston, or the Water Power Company, or any other party defendant, affecting its value at the time of said taking.

—to hear the parties and assess damages.

SECTION 5. Said commissioners, or the major part of them, shall make report to the said court of their doings, and when requested by any party, of the evidence touching any exception intended to be taken by him.

—to report to the court.

SECTION 6. Any party aggrieved may either except to the report of the said commissioners, and have the exception heard and determined by the said court, according to its course as a court of equity, or may apply to said court to have proper issues framed and tried by a jury, and proceeded in as in other cases of issues ordered by said court. And on the trial of any such issue, the report of the commissioners respecting its subject-matter shall be *prima facie* evidence of what is therein stated.

If report excepted to, trial to be had.

Report to be *prima facie* evidence.

SECTION 7. When it shall be finally determined what amount of damages any party is entitled to recover against the city of Boston, or the Boston Water Power Company, or any other party defendant, a separate decree shall be entered accordingly, and execution therefor shall be issued, without regard to the pendency of the claims of any other party or parties, or of other claims of such complainant.

Separate decrees for damages to be entered against different defendants.

SECTION 8. If any party shall elect a jury, he shall recover his legal costs, if the award of the commissioners shall be altered in his favor; otherwise, he shall be liable for the legal costs of the other party or parties.

Costs, in trial by jury.

Boston not to be exempted from liability to abutters.

SECTION 9. Nothing in this act shall be construed as exempting the city of Boston from any obligation it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this act, for any injury it may do to such lands in any acts of raising, filling or draining said territory or any part thereof.

If damages are claimed from the State, allegations to be made in separate article in bill.

SECTION 10. If any party shall allege that the value of his land, at the time of the said taking, had been diminished by any act or omission of the Commonwealth or its agents or officers, for which diminution the Commonwealth ought to make him compensation, he shall make the allegation relating thereto in a separate article of the bill, in the nature of a petition of right against the Commonwealth, and the court shall cause notice thereof to be served upon the attorney-general. And the attorney-general shall appear, and may make a separate answer thereto; and the commissioners appointed by the court to assess damages under this act, are hereby empowered to make a separate report of the damages, if any, caused to any party, by any act or omission for which the Commonwealth is responsible, and shall, at the request of the attorney-general, report the evidence, together with the grounds of their opinion why the Commonwealth ought to pay the same. And it shall be the duty of the supreme judicial court to instruct the said commissioners on any matter of law involved in their decision, at the request of any party or of the commissioners, and the proceedings shall be conformed as nearly as possible to those in suits in equity. And the final report of the commissioners on the subject of the claims upon the Commonwealth shall be filed in court in the cause, and a duplicate thereof transmitted to his excellency the governor. And if, in the opinion of the court, it is reasonable that the Commonwealth bear any part of the costs or expenses, the same shall be certified with the said report.

Attorney-general to be notified and make separate answer.

Separate report to be made.

S. J. C. to instruct commissioners in matters of law.

Report to be filed in court and sent to governor.

Costs.

Court to make orders, and may require security for costs, &c.

Costs to be paid as court orders.

Railways may be laid to transport earth.

SECTION 11. Said court may make all orders and decrees necessary to carry into full effect the intent of this act, and may, at its discretion, at any stage of the proceedings, order a party to give security for the payment of damages or costs.

SECTION 12. All legal costs which shall accrue in proceedings under this act, not otherwise provided for, shall be paid as the said court shall order.

SECTION 13. The city of Boston is hereby authorized to lay railway tracks through any street or streets of said city, and to maintain them so long as it may be necessary, to

enable them to transport earth and other material to fill up the district aforesaid, under the provisions of this act.

SECTION 14. All lands taken under this act otherwise than by purchase, shall be taken within three years from the passage thereof. Lands to be taken within three years.

SECTION 15. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT RELATING TO THE ESTABLISHMENT OF UNION SCHOOLS.

Be it enacted, &c., as follows:

Chap. 278

SECTION 1. Two or more towns may unite in establishing union schools for the accommodation of such contiguous portions of each, as shall be mutually agreed upon, when a majority of the legal voters in each town, in meetings called for that purpose, so determine.

Towns may unite in establishing union schools.

SECTION 2. In providing for the management and control of said school; in determining the location of said school-houses, or of the schools; in apportioning the expenses of erecting such school-houses, and of the support and maintenance of said schools, with all expenditures incident to the same, all proceedings shall be governed by the provisions of the fourth, fifth and sixth sections of the thirty-eighth chapter of the General Statutes.

Management of schools. location of school-houses, &c.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT TO PROHIBIT THE REMOVAL OF MINORS FROM THE STATE, BY OVERSEERS OF THE POOR.

Chap. 279

Be it enacted, &c., as follows:

SECTION 1. It shall be unlawful for the overseers of the poor, of any city or town, to remove beyond the limits of this Commonwealth, any minor under their control, or cause or allow the same to be done, or to withhold information concerning the maintenance of such minor, from any person entitled to receive the same: *provided*, that the judges of probate may upon application of the overseers of the poor of any town in their respective counties, upon a hearing thereon, after due notice to all parties interested, authorize such removal to be made; and *provided, further*, that this act shall not apply to minors who have a settlement in other states.

Minors under control of overseers of poor not to be removed from State without authority from judge of probate.

Provides.

SECTION 2. Any overseers of the poor violating the provisions of the preceding section shall be punished by a fine not exceeding five hundred dollars.

Penalty for violation.

Approved June 4, 1868.

Chap. 280 AN ACT TO REPEAL THE FIFTEENTH SECTION OF CHAPTER FIFTEEN OF THE GENERAL STATUTES.

Be it enacted, &c., as follows:

Repeal.

Section fifteen of chapter fifteen of the General Statutes is hereby repealed.

Approved June 4, 1868.

Chap. 281 AN ACT FOR THE REGULATION OF TENEMENT AND LODGING-HOUSES IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Tenement and lodging-houses in Boston.

SECTION 1. From and after the first day of July, in the year eighteen hundred and sixty-eight, no house, building, or portion thereof, in the city of Boston, then used, occupied, leased or rented for a tenement or lodging-house, shall continue to be so used, occupied, leased or rented, unless the same on the requisition of the board of health, shall conform in its construction and appurtenances to the provisions of this act.

Regulations concerning ventilation of.

SECTION 2. Every house, building, or portion thereof, in the city of Boston, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging-house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air; and also a ventilating or transom window, of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved by the board of health or the superintendent.

To be provided with fire-escape.

SECTION 3. Every such house shall be provided with a proper fire-escape; or means of escape in case of fire, to be approved by the superintendent of the board of health.

Roofs and stairs to be kept in good repair.

SECTION 4. The roof of every such house shall be kept in good repair and so as not to leak, and all rain-water shall be so drained or conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, yard or area. All stairs shall be provided with proper balusters or railings, and shall be kept in good repair.

Regulations concerning construction and care of water-closets.

SECTION 5. Every such building shall be provided with good and sufficient water-closets or privies, of a construction approved by the board of health, and shall have proper

doors, traps, soil pans and other suitable works and arrangements so far as may be necessary to insure the efficient operation thereof. Such water-closets or privies shall not be less in number than one to every twenty occupants of said house; but water-closets and privies may be used in common by the occupants of any two or more houses: *provided*, the access is convenient and direct; and *provided*, the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Every such house situated upon a lot on a street in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved by the board of health or superintendent, and all such water-closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee and occupant shall take due measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the board of health or superintendent may direct. It shall in all cases be watertight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

SECTION 6. From and after the first day of July, in the year eighteen hundred and sixty-eight, it shall not be lawful, with-

Proviso.

Cesspools not permitted under the house unless the health officer permits.

Grade of yards and areas, when no sewer exists in street.

Rooms under ground not to be used as dwellings

Health officer to have access to house at all times.

SECTION 10. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement-house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the board of health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof.

Owners and keepers of houses to notify health officers in cases of contagious or infectious diseases.

The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement-house or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the board of health, or to some officer of the same, and, thereupon, said board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bed-clothes used by any such sick person, to be thoroughly cleansed, scoured and fumigated, and in extreme cases to be destroyed.

Bedding, &c., to be purified.

House infected by disease or dangerous from want of repair, to be vacated, &c.

SECTION 11. Whenever it shall be certified to the board of health by the superintendent, that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said board may issue an order, and cause the same to be affixed conspicuously on the building or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this state, requiring all persons therein to vacate such building, for the reasons to be stated therein as aforesaid. Such building or part thereof shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said board, if it shall become satisfied that the danger from said house or part thereof has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

Tenement or lodging-house.

SECTION 12. No house hereafter erected shall be used as a tenement-house or lodging-house, and no house heretofore erected, and not now used for such purpose, shall be converted into, used or leased for a tenement or lodging-house, unless, in addition to the requirements herein before contained, it conforms to the requirements contained in the following sections.

SECTION 13. It shall not be lawful hereafter to erect for or convert to the purposes of a tenement or lodging-house a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear, open space, exclusively belonging to the front building and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on the back part of any lot, there shall be a clear, open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified, in special cases, by a permit from the board of health or the superintendent.

How and where
may be con-
structed.

SECTION 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a suitable ventilator, connecting it with a room or hall which has a connection with the external air. The total area of window in every room communicating with the external air, shall be equal to at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet and six inches above the floor, and the upper half of each window shall be so made as to open for the purposes of ventilation. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air shaft extending to the roof, or otherwise, as the board of health may prescribe.

Rooms to be at
least eight feet
in height.

Windows.

Ventilation.

SECTION 15. Every such house hereafter erected or converted, shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper con-

Chimneys to run
through every
floor.

Water in the house or yard.

Cellar to be cemented.
Ventilation for halls.

Penalties for violation.

"Tenement-house" defined.

"Lodging-house" defined.

"Cellar" defined.

Further regulations concerning cellars, &c., may be made by board of health.

Jurisdiction of courts.

conveniences and receptacles for ashes and rubbish ; it shall have water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the board of health or the superintendent.

SECTION 16. Every owner or other person violating any provision of this act, after the same shall take effect, shall be guilty of a misdemeanor, punishable by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days.

SECTION 17. A tenement-house within the meaning of this act, shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the house or residence of more than three families living independently of another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them.

A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are lodged for hire for a single night, or for less than a week at one time.

A cellar shall be taken to mean and include every basement or lower story of any building or house, of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

SECTION 18. The board of health shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants. All complaints under this act shall be made only by authority of the board of health, and the municipal court of the city of Boston shall have jurisdiction concurrent with the superior court of all offences against the provisions of this act.

Approved June 4, 1868.

Chap. 282

AN ACT REQUIRING REGISTERS OF DEEDS TO RECORD ASSIGNMENTS IN BANKRUPTCY.

Be it enacted, &c., as follows :

Registers of deeds to record assignments made under United States bankrupt laws.

SECTION 1. Registers of deeds shall record in the registries of their respective counties or districts all assignments, left with them for record, made under the provisions of an act

of congress, approved the second day of March, in the year eighteen hundred and sixty-seven, entitled "An Act to establish a uniform system of bankruptcy throughout the United States," and all acts in addition thereto, in the same manner in which deeds are required to be recorded; and said registers of deeds shall be entitled to receive the same fees for such records as for recording deeds of equal length.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT IN RELATION TO THE TAXATION OF INSURANCE COMPANIES.

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and sixty-five of the acts of the present year, entitled "An Act explanatory of an act to levy taxes on certain insurance companies," shall not be construed to repeal or modify the provision of the eighteenth section of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, which exempts insurance companies from paying a tax "upon premiums received for insurance in other states which are subject to a like tax in the state where received."

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 283

Chapter 283, § 18, Acts of 1866, not modified by chapter 165 of 1868.

AN ACT RELATING TO MUSICIANS OF CAVALRY AND TO BRIGADE INSPECTORS.

Be it enacted, &c., as follows:

SECTION 1. A battalion of cavalry composed of not less than three companies shall be entitled to a band of not more than sixteen musicians, who shall receive pay as provided in the one hundred and forty-sixth section of chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-six.

SECTION 2. The bugler to each company of cavalry shall be entitled to and receive the same pay as provided in said one hundred and forty-sixth section for musicians.

SECTION 3. Brigade inspectors when in performance of duty as provided in the one hundred and twelfth section of said chapter, shall be entitled to and receive the same pay as provided in the one hundred and forty-fourth section, for duty in camp, and five cents per mile for travel to and from the place of inspection.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 284

Battalion of cavalry entitled to sixteen musicians

Compensation of bugler.

Compensation of brigade inspector and allowance for travel.

Chap. 285**AN ACT RESPECTING BONDS IN CIVIL CASES.***Be it enacted, &c., as follows :*

Bond required of party in civil suit may be given by another.

SECTION 1. Whenever in the course of a civil suit or proceeding a bond is required to be given by the party, the judge or other officer authorized to receive the same, may in his discretion, accept the bond of any other person with sureties, in behalf of such party.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1868.***Chap. 286****AN ACT CONCERNING THE LIGHTING OF RAILROAD PASSENGER CARS.***Be it enacted, &c., as follows :*

Railroad passenger cars not to be lighted with oil which will ignite at certain temperature.

SECTION 1. No passenger cars on any railroad in this Commonwealth shall hereafter be lighted by naphtha or any illuminating oil made from coal or petroleum, or any illuminating oil made in part of naphtha or coal or petroleum oil, or any other illuminating oil which will ignite at a temperature of less than one hundred and ten degrees Fahrenheit, to be ascertained by the application of Tagliabue's or some other approved instrument.

Penalty for violation.

SECTION 2. Any railroad corporation which shall violate the provisions of this act shall be liable to a fine not exceeding five hundred dollars, to be recovered to the use of the Commonwealth by indictment.

*Approved June 4, 1868.***Chap. 287****AN ACT RESPECTING THE SALE AND INVESTMENT OF ESTATES INCUMBERED BY CONTINGENT REMAINDERS, EXECUTORY DEVICES OR POWERS OF APPOINTMENT.***Be it enacted, &c., as follows :*

Decree of sale of certain incumbered real estate may be made by S. J. C.

SECTION 1. Whenever a good title in fee simple cannot be made to any real estate because the same is incumbered by any contingent remainder, executory devise or power of appointment, the supreme judicial court may, upon petition of any party who has an estate in possession in such real estate, decree a sale and conveyance of the same by such party or by such other person as the court shall appoint, when such sale and conveyance shall appear to be necessary or expedient. And the court shall, if necessary, appoint one or more trustees to hold and invest the proceeds of the sale for the benefit of the persons who would have been entitled to such real estate, and in the same manner as if no sale had been made, and shall fix the form and amount of the bond to be given by such trustees.

Trustees to hold proceeds of sale, &c.

Notice to be given to persons interested.

SECTION 2. Notice of the proceedings shall be given to all persons who are or may become interested in the real estate, and to all persons whose issue not in being may become interested therein, as the court may order. The

court shall, in all such cases, appoint a suitable person to appear and act in such proceedings as the next friend of all minors, persons not ascertained or persons not in being, who may be or may become interested in such real estate, the cost of whose appearance and services, including compensation of counsel, to be determined by the court, shall be paid as the court may order, either out of the proceeds of the real estate or by the petitioners, in which latter case execution may issue in the name of such next friend. An order or decree made in any such proceedings, and a sale and conveyance of real estate thereunder, shall be binding and conclusive, and shall pass to the purchaser thereof a good title to the same in fee simple.

A next friend to be appointed for minors.

Conveyance under decree to pass good title.

SECTION 3. The probate court for the county where such real estate or any part thereof is situated, shall, upon the filing of a satisfactory bond, issue to the trustees before mentioned letters of trust, and they shall have jurisdiction of all matters thereafter arising in relation to the proceeds of the sale.

Probate court to issue letters of trust.

Approved June 4, 1868.

AN ACT IN RELATION TO THE DISTRIBUTION OF UNCLAIMED PORTIONS OF THE PERSONAL ESTATES OF DECEASED PERSONS.

Chap. 288

Be it enacted, &c., as follows :

SECTION 1. When any portion of the personal estate of a deceased person has remained unclaimed for five years after the same has become payable, and the person entitled thereto, either as widow, next of kin, legatee, or creditor of an insolvent estate, has been absent and not heard from for fourteen years, the probate court, upon the petition of any person interested, and after public notice, may order that the same be distributed or paid over to the other persons who, but for such absent person, would have been entitled thereto as part of the estate of the deceased : *provided*, each person receiving a distributive share of said estate shall give such bond to said judge as he shall order, to refund said sum, with interest thereon, at any time within six years thereafter, in case such shall be the order of the court.

If personal estate of deceased person is unclaimed for five years, &c., to whom may be paid over.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT FOR THE PROTECTION OF TROUT IN THE MERRILL POND IN THE TOWN OF WENDELL.

Chap. 289

Be it enacted, &c., as follows :

SECTION 1. No person shall take any trout from the Merrill Pond, on the old Wendell town farm, in the town of Wendell, or the waters running into the same, at any time

Trout protected in Merrill Pond, in Wendell.

of the year, without permission of the proprietor or proprietors.

Penalty for violation.

SECTION 2. Any person offending against the provisions of this act shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Franklin. *Approved June 4, 1868.*

Chap. 290 AN ACT TO PROTECT TROUT IN JONES' MILL CREEK IN THE TOWN OF BARNSTABLE.

Be it enacted, &c., as follows :

Trout protected in Jones' Mill Creek, in Barnstable.

SECTION 1. No person shall take any trout in Jones' mill creek, in the town of Barnstable, from its source to the junction with Scorton creek, and within two hundred yards of said junction, on either side thereof, from the first day of August in each year, to the first day of April in the year next ensuing; nor shall any person take any trout therefrom except by hook and line; nor shall any person enter upon the land bordering upon said pond or stream, at any season of the year, for the purpose of taking trout, without the written permission of the proprietors.

Penalty for violation.

SECTION 2. Any person offending against the provisions of this act, shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Barnstable.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 291 AN ACT CONCERNING THE MILL-DAM ROAD, AND THE ROADS CONNECTED THEREWITH BELONGING TO THE COMMONWEALTH.

Be it enacted, &c., as follows :

Mill-dam road may be laid out as highway.

SECTION 1. The city of Boston and the towns of Brookline, Brighton and Watertown, are hereby authorized, within one year from the passage of this act, to lay out and accept as highways, so much of the Mill-dam road, and the roads and bridges heretofore connected therewith in toll franchise, excepting the road known as the Cross-dam, as lies within the respective limits of the said city and towns: the said road being the same which was conveyed to the said Commonwealth by the Boston and Roxbury Mill Corporation by indenture dated the ninth day of June, in the year eighteen hundred and fifty-four, and also by indenture dated the thirtieth day of December, in the year eighteen hundred and fifty-six. The said highways and the said Watertown turnpike may be laid out of the same width as they were originally laid out; and the said towns and city shall not be liable in so doing for any land damages to any owner or abutter on said ways or turnpike; and upon such laying

Watertown turnpike.

out and acceptance of the same, all tolls thereon shall be discontinued, and the property of the Commonwealth therein, excepting said cross-dam, shall become vested, severally, in the city and towns aforesaid.

Tolls to be discontinued.

SECTION 2. Upon such laying out and acceptance of said roads and bridges as aforesaid, the said city and towns shall severally be liable for damages which may be incurred by reason of any defect in the same, within their respective limits, in the same manner, and to the same extent as cities and towns are now liable, by law, for defects in town ways; and the town of Watertown shall also assume the charge and maintenance of that portion of the Watertown turnpike lying within the territory heretofore ceded to the United States, and shall be liable, in the same manner and to the same extent aforesaid, for any defects therein, except as far as they may be controlled or prevented by the authority of the United States; and the bridge over Charles River shall be maintained with a sufficient draw therein for the convenient passage of vessels, and a suitable draw-tender be provided therefor, by and at the expense of said towns of Watertown and Brighton.

Towns to be liable for damages for defects in road.

Watertown to maintain portion of turnpike.

Bridge over Charles River maintained by Watertown and Brighton.

SECTION 3. Whenever the governor shall be satisfied that the aforesaid roads and bridges have been laid out and accepted as town ways or highways as aforesaid, there shall be paid to the towns of Watertown, Brighton and Brookline, the sum of fifty thousand dollars, to be divided as follows, to wit: to the town of Watertown, twenty thousand dollars, to the town of Brighton, fifteen thousand dollars, to the town of Brookline, fifteen thousand dollars.

Upon acceptance as highways, \$50,000 to be divided among towns.

If the amount of tolls paid into the treasury of the Commonwealth under the provisions of the second section of chapter two hundred and one of the acts of the year one thousand eight hundred and sixty-one, shall not amount to the sum of fifty thousand dollars at the time said roads and bridges are laid out and accepted by said towns as aforesaid, then the full amount of the tolls so paid into the treasury shall be paid to said towns, in the proportion aforesaid: and the tolls so received into the treasury from said roads, not exceeding the amount of fifty thousand dollars, are hereby appropriated for the purpose aforesaid.

If tolls do not amount to \$50,000, amount received to be paid over.

SECTION 4. If the city of Boston shall not lay out and accept the portion of said road within its limits, excepting said cross-dam, within one year from the passage of this act, or within six months after the towns of Watertown, Brighton and Brookline have laid out and accepted the portions within their respective limits, then said roads so lying and being

If Boston does not accept road within one year, &c., to be highway as though laid out by city.

within the limits of the city of Boston, shall be and become a public highway to all intents and purposes whatsoever, and the said city shall be liable therefor in the same manner and to the same extent as if the same had been laid out and accepted by said city, according to the provisions of the first section of this act.

Rights of rail-roads not to be affected.

SECTION 5. Nothing in this act contained shall affect the rights or duties of any railroad corporation having tracks upon said road : but the town ways and highways which may be located under the provisions hereof, may cross such railroad tracks at grade, wherever grade crossings now exist thereon.

SECTION 6. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 292

AN ACT GIVING THE CONSENT OF THE COMMONWEALTH TO THE UNITED STATES FOR THE PURCHASE OF A CERTAIN TRACT OF LOWLAND ON LONG ISLAND IN BOSTON HARBOR, AND THE FLATS THERETO APPURTENANT.

Be it enacted, &c., as follows :

United States may purchase land on Long Island for erection of military works.

SECTION 1. The consent of the Commonwealth is hereby granted to the United States to purchase a tract of lowland, situated on Long Island in Boston Harbor, said lowland being a narrow isthmus connecting the East Head of Long Island with the main or central portion of said island ; said isthmus belonging to T. J. Dunbar and Peter Dunbar, trustees, comprising by estimation about ten acres, for the erection of military works for the defence of said harbor, for the erection of a sea-wall as a part of the system for the improvement of said harbor for commercial purposes and for the purpose of providing a landing place for convenience in reaching the said East Head of Long Island ; and the consent of this Commonwealth is also hereby given to said United States to purchase, occupy and fill the flats appurtenant to said isthmus for the aforesaid objects, and to the extent of four hundred yards from low-water mark : *provided, always,* and the consent aforesaid is granted upon the express condition and reservation that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the tract of lowland, to wit, the said isthmus, and the flats aforesaid for the service of all civil process and of such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes or offences against the laws of this Commonwealth, committed without the said tract of lowland, to wit, the said isthmus and flats, and that said civil and criminal processes may be executed thereon in the

Concurrent jurisdiction of State with U. S.

same way and manner, and with the same effect as if the consent aforesaid had not been granted.

SECTION 2. If the agent or agents employed by the United States and the owner or owners of said tracts of lowland, to wit, the said isthmus and flats, or their agent or attorney, cannot agree in the sale and purchase thereof, the agent or agents of the United States may apply by petition to the superior court of the county of Suffolk, describing the aforesaid tract of lowland, to wit, the said isthmus and flats, for a valuation thereof by a jury; and the said court, after due notice given to the said owner or owners, or their agent or attorney, are hereby empowered and required to hear the parties and finally determine the value of the fee of the said tract of lowland, to wit, the said isthmus and flats, by a jury who shall be sworn faithfully and impartially to appraise and value the fee of said land; and said jury shall be summoned for that purpose by the sheriff of the county of Suffolk or his deputy, and the value aforesaid having been ascertained by the verdict of said jury and the said verdict accepted and recorded by said court and the amount thereof paid or tendered to the said owner or owners or their agent or attorney, together with their reasonable costs and expenses to be taxed by said court, or in case of their neglect or refusal to receive the same, the amount of said verdict, costs and expenses having been paid into the treasury of this Commonwealth for their use and subject to their order, the title of said tract of lowland, to wit, the said isthmus and flats shall be forever vested in fee simple in the United States: *provided, however*, that neither the United States nor their agent or agents shall enter into or take possession of said tract of lowland, to wit, the said isthmus or flats, nor exercise any act of ownership thereon until the amount of said verdict and costs and expenses shall have been actually paid as aforesaid; and *provided, also*, that all the charges of said application and appraisement shall be paid by the United States.

If U. S. and owners do not agree, price may be determined by a jury.

Jury to be summoned by sheriff of Suffolk.

Costs.

U. S. not to take possession until costs, &c., are paid.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT GIVING THE CONSENT OF THE COMMONWEALTH TO THE UNITED STATES FOR THE PURCHASE OF LONG ISLAND HEAD AND THE FLATS THERETO APPURTENANT, SITUATED UPON LONG ISLAND, IN BOSTON HARBOR.

Be it enacted, &c., as follows:

SECTION 1. The consent of this Commonwealth is hereby granted to the United States to purchase a tract of upland situated on Long Island, in Boston Harbor, and known as the East Head of Long Island, belonging to James T. Austin

Chap. 293

United States may purchase land on Long Island for military works and sea-wall.

and Loring H. Austin, comprising, by estimation, about twenty-four acres, for the erection of military works for the defence of said harbor, and for the erection of a sea-wall as a part of the system for the improvement of said harbor for commercial purposes, and to purchase, occupy and fill the flats appurtenant to said tract, for the aforesaid objects, and to the extent of four hundred yards from low-water mark:

Concurrent jurisdiction of State with U. S.

provided, always, and the consent aforesaid is granted, upon the express condition and reservation that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the tract of upland and the flats aforesaid, for the service of all civil process and of such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes or offences against the laws of this Commonwealth, committed without the said tract of upland and flats, and that said civil and criminal processes may be executed thereon in the same way and manner and with the same effect as if the consent aforesaid had not been granted.

If U. S. and owners do not agree, price may be fixed by jury.

SECTION 2. If the agent or agents employed by the United States and the owner or owners of said tract of upland and flats, or their agent or attorney, cannot agree in the sale and purchase thereof, the agent or agents of the United States may apply by petition to the superior court of the county of Suffolk, describing the aforesaid tract of upland and flats, for a valuation thereof by a jury; and the said court, after due notice given to the said owner or owners, or their agent or attorney, are hereby empowered and required to hear the parties and finally determine the value of the fee of the said tract of upland and flats by a jury, who shall be sworn faithfully and impartially to appraise and value the fee of said land; and said jury shall be summoned for that purpose by the sheriff of the county of Suffolk, or his deputy, and the value aforesaid having been ascertained by the verdict of said jury, and the said said verdict accepted and recorded by said court, and the amount thereof paid or tendered to the said owner or owners, or their agent or attorney, together with their reasonable costs and expenses, to be taxed by said court, or in case of their neglect or refusal to receive the same, the amount of said verdict, costs and expenses having been paid into the treasury of this Commonwealth for their use and subject to their order, the title of said tract of upland and flats shall be forever vested in fee simple in the United States: *provided, however*, that neither the United States nor their agent or agents shall enter into or take possession of said tract of upland or flats, nor exercise any act of

Jury to be summoned by sheriff of Suffolk.

Costs.

U. S. not to take possession until costs, &c., are paid.

ownership thereon until the amount of said verdict and costs and expenses shall have been actually paid as aforesaid; and *provided, also*, that all the charges of said application and appraisement shall be paid by the United States. Proviso.

SECTION 3. The three hundred and fourteenth chapter of the acts of the year eighteen hundred and sixty-seven is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT RELATING TO DEERFIELD RIVER BRIDGE.

Chap. 294

Be it enacted, &c., as follows:

SECTION 1. The bridge over Deerfield River in the town of Deerfield, belonging to the Proprietors of Deerfield River Bridge, is hereby laid out as a public highway; and the collection of tolls thereon shall cease on the fourteenth day of November next. To be laid out as highway.

SECTION 2. The said bridge shall be maintained and kept in repair by the town of Deerfield. To be kept in repair by Deerfield.

SECTION 3. Nothing in this act contained shall be construed to release the Proprietors of Deerfield River Bridge from their liability to keep the said bridge in good, safe and passable repair up to the said fourteenth day of November next; and if the said bridge shall not be in such repair on said date, an information shall be filed in the supreme judicial court in behalf of the Commonwealth by the attorney-general, at the relation of the selectmen of Deerfield, against said corporation and its officers, to compel said corporation to put the said bridge in good, safe and passable repair. And full power and authority is hereby given to said court, as a court of chancery, to hear and determine said cause, and to make and enforce all necessary orders and decrees therein. Proprietors to keep in repair until Nov. 14, 1868.
S. J. C. may compel repairs to be made.

SECTION 4. This act shall take effect on the fourteenth day of November next. When to take effect.

Approved June 4, 1868.

AN ACT TO AUTHORIZE THE MECHANICS' MILLS TO CONSTRUCT A WHARF IN FALL RIVER.

Chap. 295

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to the Mechanics' Mills to construct and extend a wharf from a lot of land now owned by said corporation in the city of Fall River; said wharf not to exceed the width of said lot of land, and not to extend beyond the channel of the river: *provided*, that all things done under this act shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four of chapter one hundred Mechanics' Mills may build wharf in Fall River.
Subject to approval of harbor commissioners.

Proviso.

and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 296 AN ACT TO INCORPORATE THE JOHN RUSSELL MANUFACTURING COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Real estate, \$300,000.

Capital stock and shares.

Proviso.

SECTION 1. John Russell, Matthew Chapman, Charles W. Russell, their associates and successors, are hereby made a corporation by the name of the John Russell Manufacturing Company, for the purpose of manufacturing cutlery and hardware in Deerfield, or any other town in the county of Franklin; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

SECTION 2. Said corporation may hold for the purpose aforesaid, real estate necessary and convenient for its business, to an amount not exceeding three hundred thousand dollars; and the whole capital stock shall not exceed six hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until one hundred and twenty-five thousand dollars of its capital stock is paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 297 AN ACT AUTHORIZING THE SALE OF PARSONAGE LANDS IN THE TOWN OF HULL.

Be it enacted, &c., as follows:

Parsonage lands in Hull may be sold.

SECTION 1. The lands lying within the limits of the town of Hull, known as and called the parsonage lands, may be sold and conveyed in fee simple in the manner hereinafter provided.

Application to be made to judge of probate for leave to sell.

SECTION 2. If at any legal town meeting, the citizens of Hull shall so vote, the selectmen or any other person or persons authorized by the town so to do, may apply to the judge of probate for the county of Plymouth, for leave to sell said lands; the said judge of probate shall upon such notice as he may deem necessary, order the lands aforesaid

to be sold at public or private sale, at such time and upon such terms as he may determine, and by such person or persons as he may appoint.

SECTION 3. The judge of probate aforesaid shall appoint three persons, two at least of whom shall be citizens of the town of Hull, to act as trustees of the proceeds resulting from such sale, who shall receive the said proceeds, and invest the same under the direction of the judge aforesaid, and hold the same for the purposes and uses for which the aforesaid lands were held and could be applied.

Trustees to have charge of proceeds of sale.

Approved June 4, 1868.

AN ACT AUTHORIZING THE LYNN AQUEDUCT COMPANY TO ISSUE BONDS, AND FOR OTHER PURPOSES.

Chap. 298

Be it enacted, &c., as follows:

SECTION 1. The Lynn Aqueduct Company is hereby authorized, for the purpose of aiding in the construction of its works, to issue bonds or other obligations to an amount not exceeding four hundred thousand dollars, and at a rate of interest not exceeding seven per centum per annum, and to secure said bonds or other obligations by a mortgage upon its franchise and property.

May issue bonds and secure by mortgage.

SECTION 2. Said company is hereby authorized, with the written consent of the selectmen of the town of Swampscott, to extend its pipes into said town, and with such consent to dig up and open any street or way in said town for the placing such pipes as may be necessary for the construction of that portion of its aqueduct, and of repairing the same: *provided*, the same shall be done in such manner as not to prevent the convenient passing of teams and carriages.

May extend pipes into Swampscott with consent of selectmen.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT REDUCING THE CAPITAL STOCK OF THE NORTHAMPTON, HADLEY AND AMHERST STREET RAILWAY COMPANY.

Chap. 299

Be it enacted, &c., as follows:

SECTION 1. The act incorporating the Northampton, Hadley and Amherst Street Railway Company is hereby so amended that the capital stock of said company shall not exceed the sum of seventy-five thousand dollars.

Capital stock reduced to \$75,000.

SECTION 2. The act empowering the town of Hadley to take stock in the said street railway company, is so amended that a majority of voters present and voting thereon may vote to make such subscription: *provided*, that the total amount of such subscription shall not exceed one-half of one per centum of the valuation of the said town.

Majority of voters in Hadley may authorize taking stock, &c.

Proviso.

Time for building, &c., extended.

SECTION 3. The time for building and putting in operation some portion of the said railway is hereby extended one year.

Approved June 4, 1868.

Chap. 300

AN ACT TO INCORPORATE THE GREAT BARRINGTON WATER COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Asa C. Russell, Seth Norton, Justin Dewey, junior, their associates and successors, are hereby made a corporation by the name of the Great Barrington Water Company, for the purpose of supplying the inhabitants of the village of Great Barrington with good water ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

May take water from the springs, ponds and brooks in Great Barrington.

SECTION 2. Said corporation may take, hold and convey to, into and through the village of Great Barrington, the water of any spring or springs, or of any natural pond or ponds, brook or brooks within said town of Great Barrington ; and said corporation may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs ; and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same. Said corporation shall, within sixty days from the time of taking any such land, spring or springs, pond or ponds, brook or brooks, file, in the office of the registry of deeds in the southern district of the county of Berkshire, a description of the lands, spring or springs, pond or ponds, brook or brooks so taken, as certain as is required in a conveyance of land, and a statement of the purpose for which it is taken, signed by the president of the corporation.

May take land.

To file description of land in registry of deeds.

May build aqueducts.

SECTION 3. Said corporation may make and build one or more permanent aqueducts, from any of the sources before mentioned, into and through said village, and have and maintain the same by any works suitable therefor ; may erect and maintain dams to raise and retain the waters therein ; may make and maintain reservoirs within and without said village ; may make and establish public fountains and hydrants in such places as it may, from time to time, deem proper, and prescribe the purposes for which they may be used, and may change or discontinue the same ; may distribute the water throughout the village ; may regulate the use of said water and establish the prices or rents therefor. And the said corporation may, for the purposes aforesaid, carry and

May erect dams and reservoirs, &c.

conduct any aqueducts or other works, by it to be made and constructed, over or under any water-course, street, turnpike, road, railroad, highway, or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may enter upon and dig up any such road, street or other way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same: *provided*, that in excavating for the purpose of laying the pipes and repairing the same, the work shall be done under the direction of the selectmen of the town of Great Barrington.

May lay pipes under streets, &c.

Provided.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water rights, or by constructing any aqueducts, reservoirs or other works, for the purposes specified in this act; and if any person who shall sustain damage as aforesaid cannot agree with said corporation upon the amount of said damage, the same shall be ascertained, determined and recovered in the manner now provided by law, in case of land taken for highways.

Shall pay damages for land, &c., taken.

SECTION 5. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid; and its whole capital stock shall not exceed thirty thousand dollars, which shall be divided into shares of one hundred dollars each. And no pecuniary liability shall be assumed by said corporation until one-quarter part of its capital stock has actually been paid in in cash.

Real and personal estate.

Capital stock and shares.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof of the sources which shall be taken by the said corporation pursuant to the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct-pipe or hydrant, or other property held, owned or used by the said corporation for the purposes of this act, shall pay three times the amount of actual damages to the said corporation, to be recovered in action of tort; and every such person, upon conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding three years.

Penalties for maliciously diverting the water or corrupting the same.

SECTION 7. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE TRUSTEES OF THE POOR'S FUND IN THE TOWN OF CHARLESTOWN."

Be it enacted, &c., as follows:

Chapter forty of the acts of the year eighteen hundred and twenty-five is hereby amended by striking out from the

Chap. 301

Chapter 40, § 3, 1825, amended.

third section of said chapter, the words "*provided, however,* that the annual income of said fund shall not exceed the sum of two thousand dollars."

Approved June 4, 1868.

Chap. 302 AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

Be it enacted, &c., as follows:

How pipes of aqueduct company may be cut, displaced, &c.

SECTION 1. Whenever any exigency shall arise in which it shall become necessary, in the proper construction of the Salem water works, at any particular place, to cut, remove or displace any pipe or pipes of the Salem and Danvers Aqueduct Company, application may be made to said company, through its superintendent, for permission to make such cutting, removal or displacement, accompanied with a specific description of what is proposed to be done, to which application an answer shall be returned by said company within three days: and in case of a refusal of permission, or in case no answer shall be returned within said three days, application may be made to the engineer of the Boston water works, for the time being, who after three days' notice to said Salem and Danvers Aqueduct Company, shall hear the parties and determine whether any and what change in the pipe or pipes of said Salem and Danvers Aqueduct Company at that place ought reasonably to be made: and the city of Salem is hereby authorized to make the change directed by said engineer; which direction shall be in writing signed by said engineer, recorded upon the records of the city water works, and a duplicate original delivered to the superintendent of the Salem and Danvers Aqueduct Company at the same time that this direction is made known to said city.

Engineer of Boston water works to decide.

Record to be made.

Compensation of engineer, and by whom to be paid.

SECTION 2. Said engineer shall be allowed a reasonable compensation per day and his expenses, to be paid by said city of Salem; and in case the course prescribed by him shall be the same as that asked for, in behalf of the said Salem water works, and the consent of said Salem and Danvers Aqueduct Company was unreasonably refused, said compensation and expenses may be recovered of the said Salem and Danvers Aqueduct Company, by the said city of Salem.

Damages to aqueduct company to be paid by city.

SECTION 3. Said city shall be liable to pay all damages sustained by the said aqueduct company, and if not agreed upon by the parties, shall be assessed and awarded by the said engineer; and in case said company shall be dissatisfied with said award, it may have said damages assessed and paid in the same manner as is provided by law with respect to land taken for highways.

SECTION 4. Nothing in this act shall be construed to give any preference of location or otherwise to the city of Salem over the Salem and Danvers Aqueduct, and in no case is the said engineer authorized to order to be cut, removed or displaced any pipes of the said Salem and Danvers Aqueduct Company, except when by reason of natural or artificial obstructions, the pipes of the said city cannot otherwise (at reasonable labor and expense) be laid: and in no case shall any pipe be so cut, displaced or removed in such manner as to prevent the free flow of water to any consumer of the Salem and Danvers Aqueduct Company for a longer space than twenty-four hours.

Preference of location not to be given to the city, &c.

SECTION 5. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT CONCERNING THE AGAWAM BRIDGE COMPANY.

Be it enacted, &c., as follows:

Chap. 303

SECTION 1. Chapter two hundred and seventy-four, of the acts of the year eighteen hundred and fifty-six, incorporating the Agawam Bridge Company, and chapters thirty-eight of the acts of the year eighteen hundred and sixty-one, and one hundred and sixty-four of the acts of the year eighteen hundred and sixty-four, which extend the time for building the bridge by said corporation, are hereby revived; and the time within which said corporation is required to build and finish said bridge, is further extended to the first day of May, in the year eighteen hundred and seventy-one.

Time for building bridge extended.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT TO ENABLE THE CITY OF NEWBURYPORT AND THE TOWNS OF AMESBURY AND SALISBURY, TO TAKE STOCK IN THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

Chap. 304

Be it enacted, &c., as follows:

SECTION 1. The city of Newburyport, is hereby authorized to subscribe for and hold shares in the capital stock of the Newburyport and Amesbury Horse Railroad Company, to an amount not exceeding twenty thousand dollars, and the towns of Amesbury and Salisbury each the sum of five thousand dollars, and to pay for the same out of the treasury of the said city and towns respectively, and to hold the same as city and town property, subject to the disposition of the said city and towns respectively, for public purposes, in like manner as any other property which they may possess: *provided*, that two-thirds of the legal voters of said city and towns respectively, who may be present, and voting thereon, shall vote so to do, at legal meetings called for that purpose

Newburyport, Amesbury and Salisbury may take stock in Horse Railroad Co.

Provided.

by the mayor and aldermen of said city, and the selectmen of said towns respectively, within sixty days from the passage of this act.

May raise money
by loan or tax.

SECTION 2. Said city and towns respectively, are hereby authorized to raise by loan or tax, any sum of money which shall be required to pay their instalments on their subscription to said stock and the interest thereon.

City and towns to
be represented at
meetings of cor-
poration.

SECTION 3. The said city of Newburyport by its mayor and treasurer, for the time being, and the selectmen of the towns of Amesbury and Salisbury, respectively, for the time being, shall subscribe in behalf of the said city and towns for such number of shares in the capital stock of said company, as shall be voted by said city and towns respectively, and said mayor and treasurer and said selectmen, respectively, are hereby authorized to cast the vote of their said city and towns, in the choice of directors of said road, and to appear and act in behalf of said city and towns, in the transaction of any business of said road, so long as said city or towns or either of them, shall hold shares in said corporation.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 305

AN ACT TO AUTHORIZE THE TOWN OF CONWAY TO SUBSCRIBE FOR AND HOLD STOCK IN THE NORTHAMPTON AND SHELBURNE FALLS RAILROAD COMPANY.

Be it enacted, &c., as follows :

Conway may, by
vote of town, take
stock in railroad.

SECTION 1. The town of Conway is hereby authorized (when so voting) at a legal town meeting, duly called for that purpose, to subscribe for and hold shares in the capital stock of said company, to an amount not exceeding five per centum of the assessed valuation of said town : and said town may pay for such shares so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds, or tax or otherwise, any or all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

May raise money
by loan or tax.

Selectmen to rep-
resent towns at
meetings of cor-
poration.

SECTION 2. The selectmen of the town of Conway shall have authority to represent said town at any and all meetings of the said Northampton and Shelburne Falls Railroad Company ; and said town, so represented, is hereby authorized to vote on the whole amount of the stock held by said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT TO AUTHORIZE OTIS SHEPARD TO CONSTRUCT A WHARF IN *Chap. 306*
DORCHESTER.

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Otis Shepard, to May extend wharf in Dorchester.
widen and extend his present wharf and to build another wharf contiguous thereto, from his own land in the town of Dorchester ; said wharves not to exceed the width of said land, and not to extend beyond such line as the harbor commissioners may designate: *provided*, that all things done under this act shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, Subject to approval of harbor commissioners.
that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT TO INCORPORATE THE YOUNG MEN'S CHRISTIAN ASSOCIATION *Chap. 307*
OF WORCESTER.

Be it enacted, &c., as follows :

SECTION 1. Philip L. Moen, Lucius W. Pond, John Q. Corporators.
Adams, their associates and successors, are hereby made a corporation by the name of "The Young Men's Christian Association of Worcester," in the city of Worcester, for the Name and purpose.
purpose of improving the spiritual and mental condition of the young ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all Powers and duties.
general laws which now are or may hereafter be in force and applicable to such corporations.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand Real and personal estate.
dollars.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT IN RELATION TO THE ELECTION AND DUTIES OF OVERSEERS *Chap. 308*
OF THE POOR OF THE CITY OF LYNN.

Be it enacted, &c., as follows :

SECTION 1. The overseers of the poor of the city of Lynn Six overseers of the poor.
shall consist of six persons, residents of said city, and shall be elected by concurrent vote, in the month of January in each year, in the following manner. Two persons to hold their office until the first Monday of February in the year eighteen Terms of office.

hundred and seventy; two persons to hold their office until the first Monday of February in the year eighteen hundred and seventy-one; and two persons to hold their office until the first Monday of February in the year eighteen hundred and seventy-two; and thereafterwards annually in the month of January two persons to hold their office for the term of three years from the first Monday in February next following such elections respectively. And each of said persons shall hold his office until another is chosen and qualified in his place.

Vacancies, how filled.

SECTION 2. Vacancies occurring in said board of overseers from any cause, shall be filled by said city council, in like manner, at any time; and the person elected to fill any vacancy shall hold his office during the term for which his predecessor was elected. The city council shall also have power at any time for sufficient cause to remove either of said overseers from office.

Removals from office.

Organization of board.

SECTION 3. The persons elected as overseers of the poor as aforesaid, shall meet and organize on the first Monday of February in each year. They shall choose a chairman from their own number, a treasurer, secretary, visitor and such other officers as may be authorized or required by any ordinance of the city in relation thereto; shall define their duties and fix their salaries, subject to the approval of the city council.

Reports to be made to city council.

SECTION 4. Said overseers shall render such accounts and reports of their expenditures, acts and doings as may be required by the city council, and the same shall be audited and allowed, if according to law, in such manner as the city council shall from time to time determine.

Present board to hold office until, &c.

SECTION 5. The present members of the board of overseers shall hold their office until others are elected and qualified in their places under the provisions of this act.

Repeal.

SECTION 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SECTION 7. This act shall take effect on the first day of December next.

Approved June 4, 1868.

Chap. 309

AN ACT CONCERNING THE SALEM TURNPIKE AND CHELSEA BRIDGE AND THE SEVERAL TOLL-BRIDGES IN ESSEX COUNTY.

Be it enacted, &c., as follows:

Salem Turnpike and Chelsea Bridge laid out as public highway.

SECTION 1. The turnpike, way, bridges, draws and piers belonging to the Salem Turnpike and Chelsea Bridge Corporation, and lying in the cities of Salem, Lynn, Chelsea and Charlestown, and the towns of Saugus and North Chelsea, are hereby laid out as and shall become a public highway

upon the acceptance of the award of the commissioners, hereinafter named, in the supreme judicial court, and judgment thereon.

SECTION 2. Upon the same becoming a highway as aforesaid, so much of said turnpike and way, excluding the abutments, bridges, draws and piers, as lies in each of the said cities and towns shall be maintained by them respectively; and said cities and towns shall collect and receive from the Lynn and Boston Railroad Company, such proportion of the expense of maintaining said turnpike and way as shall be due from said company under the provisions of this act, and if in the opinion of the commissioners, any city or town will have an undue burden cast upon it, in maintaining its portion of the turnpike passing through it, they shall determine and decree what sum in gross shall be paid to such city or town, and by what cities or towns in the counties of Essex and Suffolk, or whether either of said counties shall contribute to said sum, and in what proportions, as a final adjustment of expense and benefit.

So much of turnpike as lies in any town to be maintained by it.

Burden of maintaining way to be equalized.

SECTION 3. The supreme judicial court, or any justice thereof, upon application of said Salem Turnpike and Chelsea Bridge Corporation, Malden Bridge Proprietors, or of the Lynn and Boston Railroad Company, or of ten legal voters of either of the counties of Essex, Middlesex or Suffolk, shall appoint a board of commissioners consisting of one from each of the counties of Essex, Suffolk and Middlesex; and said commissioners, after having been sworn to the faithful and impartial discharge of their duties, shall, after due notice to all parties interested and a hearing, determine and award the amount to be paid to said Salem Turnpike and Chelsea Bridge Corporation, and Malden Bridge Proprietors, as damages for the laying out of said turnpike, way, bridges, draws and piers, and shall determine what proportions of said amount shall be paid by the counties of Essex and Suffolk respectively, and by the respective cities and towns in the county of Middlesex which are benefited by the provisions of the first section of this act. Said commissioners shall also determine and decree what cities and towns in the counties of Essex, Middlesex and Suffolk are benefited by the provisions of the first section of this act, and in what proportions and manner said cities and towns and said Lynn and Boston Railroad Company shall defray the expenses of the maintenance and repairs of said abutments, bridges, draws and piers, and all other expenses properly incurred under the provisions of this act not otherwise provided for therein. Said commissioners

Commissioners may be appointed to award damages to be paid to the Turnpike and Bridge Corporation.

—to determine what proportions to be paid by Essex, Suffolk and Middlesex.

Who shall maintain and repair bridges, draws, way, &c.

Decree to be made and reported to S. J. C. and counties and towns.

Right of appeal to a jury.

Fees and expenses.

Right of appeal to jury as in case of laying out highways.

Damages and costs.

County commissioners of Essex and Middlesex to act jointly if commissioners are not appointed.

When become highway, care of bridges, &c., to devolve upon selectmen, &c.

shall also determine and decree what proportion of the expense of the maintenance of the said turnpike and way, excluding said abutments, bridges, draws and piers, shall be defrayed by the said Lynn and Boston Railroad Company; and their determination and decree, or that of the major of them, shall be made in writing and reported to the supreme judicial court, the chairman of the boards of county commissioners for the counties of Essex and Middlesex, the mayor and aldermen and the selectmen of each of the cities and towns which shall be decreed by said court to pay as aforesaid, and the clerks of each of said corporations, and shall be binding upon said counties, cities and towns and corporations, unless said Salem Turnpike and Chelsea Bridge Corporation or Malden Bridge Proprietors shall appeal to a jury from the award of said commissioners; and if said corporations or either of them shall not appeal to a jury within sixty days after receiving the award of said commissioners as aforesaid, then the award and decree of said commissioners shall be absolutely binding upon all the parties interested, when the same shall have been accepted and judgment entered thereon by the supreme judicial court. The just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

SECTION 4. Said Salem Turnpike and Chelsea Bridge Corporation and Malden Bridge Proprietors may appeal to a jury from the award of said commissioners in the same manner, except that the time within which an appeal may be entered shall be limited to sixty days as aforesaid, and subject to the same liability in regard to costs as is provided by law in the case of laying out highways, except that the application for such jury shall be made to and acted upon by the commissioners of the county of Essex, and said jury may award a different sum as damages to said corporations, and all damages and costs awarded and incurred under this section shall be paid by said counties, cities and towns in the proportions specified by said board of commissioners appointed under the provisions of the third section of this act.

SECTION 5. If no commissioners shall be appointed under the provisions of the third section of this act, the commissioners of the counties of Essex and Middlesex, jointly, may exercise all the powers conferred on the special commissioners by this act.

SECTION 6. Upon the same becoming a highway as aforesaid, the care and superintendence of said abutments, bridges, draws and piers shall devolve upon the mayors and aldermen

and selectmen of the respective cities and towns in which the same shall lie, and they shall collect and receive from the parties liable therefor their respective shares of the expense of maintaining the same.

SECTION 7. Liability for defects in said abutments, bridges, draws and piers shall exist on the part of the cities and towns wherein they respectively lie, in like manner as in case of defects in town ways; and the damages and costs which may be recovered on account of such defects, shall be paid by such cities and towns as said commissioners shall decree, and by said railroad company, in the same manner and in the same proportions as they shall severally be required to contribute for the repairs and maintenance thereof.

Liability for defects in bridges, &c.

SECTION 8. The county commissioners of the county of Essex shall, within sixty days after the passage of this act, lay out as and for highways the several bridges over the Merrimack River, known as Andover Bridge and Lawrence Bridge in the city of Lawrence; Haverhill Bridge, between the towns of Haverhill and Bradford; Rock's Bridge, between the towns of West Newbury and Haverhill; Essex Merrimack Bridge, between the town of Salisbury and the city of Newburyport; Newburyport Bridge, between the town of Salisbury and the city of Newburyport; also the Essex Bridge over North River, between the town of Beverly and the city of Salem; in the manner now provided by law for the laying out of highways, and according to the provisions of chapter two hundred and ninety-six of the acts of the year eighteen hundred and sixty-seven, so far as the same are applicable. The said commissioners shall also determine and decree what proportion of the amount of damages sustained by the proprietors of said bridges, or of either or any of them, by such laying out, shall be paid respectively by the county of Essex and by the several cities and towns which the said commissioners shall determine are benefited by such laying out.

Bridges in Essex County to be laid out as highways:

Andover Bridge.
Lawrence Bridge.
Haverhill Bridge.

Rock's Bridge.
Essex Merrimack Bridge.

Newburyport Bridge.
Essex Bridge.

Commissioners to decree what proportion shall be paid by the county and towns.

SECTION 9. This act shall take effect upon its passage.

Approved June 5, 1868.

AN ACT IN RELATION TO THE STOCK AND DIVIDENDS OF RAILROAD, TELEGRAPH, AND GAS LIGHT COMPANIES.

Chap. 310

Be it enacted, &c., as follows:

SECTION 1. No railroad corporation, telegraph or gas light company, chartered under the laws of this Commonwealth, shall hereafter declare any stock dividend, or divide the proceeds of the sale of stock among its stockholders, nor shall such corporation create any additional new stock, or issue

Railroad, telegraph and gas companies not to make stock dividend, &c., unless the par value of shares is paid in cash.

certificates thereof to any person whatever, unless the par value of the shares so issued is first paid in cash to the treasurer of said corporation.

Certificates void if issued in violation.

Penalty on directors.

Proviso.

SECTION 2. All certificates of stock issued in violation of the provisions of this act, shall be void ; and the directors of any such corporation issuing the same shall be liable to a penalty of one thousand dollars each, to the use of the Commonwealth, to be recovered by indictment in any county where any of said directors reside : *provided*, that if any such director shall prove that previous to such issue he filed his dissent in writing thereto with the clerk of said corporation, or was absent, and at no time voted therefor, he shall not be liable for the same.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved June 5, 1868.

Chap. 311

AN ACT IN ADDITION TO AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows :

Election required by chapter 141, Acts of 1863, held in June.

SECTION 1. The election required by section three of chapter one hundred and forty-one of the acts of the year eighteen hundred and sixty-eight, entitled an act to regulate the sale of intoxicating liquors, to be held on the third Tuesday of May, shall be held on any day in the month of June of the current year, anything in said act to the contrary notwithstanding.

County commissioners to receive \$3 a day when engaged as license commissioners.

SECTION 2. The county commissioners of the several counties shall receive in addition to their present salaries at the rate of three dollars per day, for each and every day when engaged as license commissioners under said chapter one hundred and forty-one of said acts of the current year, to be paid from the county treasury.

Repeal.

SECTION 3. The sixth section of the act referred to in the first section of this act is hereby amended by striking out "third Monday of May" and inserting "any day in the month of June of the current year."

Repeal.

SECTION 4. The fourth clause of the fourth section of the act referred to in the first section of this act is hereby repealed : *provided, however*, that licenses may be granted for the sale of beer, ale, porter and cider, to be drunk on the premises, for which a fee of fifty dollars for each license shall be paid : persons holding such licenses to be subject to the taxes and all other obligations and duties applicable to them under the said act.

License for sale of beer, &c., to be drunk on the premises.

Punishment by fine and imprisonment, or either

SECTION 5. Sections four, sixteen and eighteen of said chapter one hundred and forty-one, are hereby so far amended

that in the sentences therein provided, the court may inflict the punishment of imprisonment without the fine; or fine without imprisonment, or both, at its discretion.

SECTION 6. The tenth section of the act referred to in the first section of this act is hereby amended by striking out the word "licensed" immediately before the words "medical practitioner" and inserting in the place thereof the word "regular," and by striking out the words "out and signed."

SECTION 7. This act shall take effect upon its passage.

Approved June 5, 1868.

AN ACT AUTHORIZING THE CAPE COD RAILROAD COMPANY TO CONSTRUCT A WALL ACROSS COHASSET NARROWS.

Chap. 312

Be it enacted, &c., as follows:

SECTION 1. The Cape Cod Railroad Company are hereby authorized to construct and maintain a sea-wall across Cohasset Narrows, between the towns of Sandwich and Wareham, at the place where the railroad of said company crosses said narrows: *provided*, that all things done under this act shall be subject to the determination and approval of the fish commission, and that such fishways be constructed as they may direct; and *provided, further*, that the railroad company shall make or provide a suitable landing for any or all wood which may at any season of the year be brought from above the said sea-wall to Cohasset Narrows for shipment, and shall provide a suitable wharf below the sea-wall, with proper facilities for placing said wood upon the same, without cost to the owner for the use of such facilities; and that the railroad company shall transport to the said wharf below the sea-wall, (in lots of not less than twenty-five cords each, except so far as the railroad company shall elect,) all wood which may be landed upon the wharf at the head of Buttermilk Bay for shipment, at such charge for transportation as may be agreed upon between the parties; and in case said parties fail to agree, three commissioners shall be appointed by the superior court sitting in and for the county of Plymouth or Barnstable, upon the petition of any party interested, who shall fix the same; the railroad company to pay the expense of such commission; and *provided, further*, that if the Boston and Sandwich Glass Company or any person interested in a wharf within half a mile below said wall, shall at any time claim that the building of the sea-wall authorized by this act injures the navigation by causing a shallowing of water or the forming of bars or like obstructions, commissioners appointed in the manner provided in this act shall decide whether any such injury is caused by such building, and shall determine what, if any, dredging or other clear-

May construct sea-wall across Cohasset Narrows.

Proviso.

Railroad to provide a suitable landing for wood.

Commissioners to be appointed if parties fail to agree.

Provision in case damage is done to wharves below sea-wall.

ing shall be done by said railroad company to obviate the effect of such building. Should no such dredging or other clearing be found necessary, said claimants shall pay the cost of the commission.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1868.

Chap 313 AN ACT TO AID THE CONSTRUCTION OF THE LEE AND NEW HAVEN RAILROAD.

Be it enacted, &c., as follows:

Treasurer to issue scrip for \$300,000, at six per cent. interest.

SECTION 1. The treasurer of the Commonwealth is hereby authorized and instructed to issue scrip or certificates of debt, in the name and in behalf of the Commonwealth, and in the manner herein designated, for the sum of three hundred thousand dollars, which shall be expressed in federal currency, and be payable to the bearer thereof at the expiration of thirty years from date, and redeemable at the option of the Commonwealth, at any time after five years from date, with interest thereon, at the rate of six per cent. per annum, payable semi-annually on the first day of January and the first day of July, both interest and principal being payable at the office of the treasurer of the Commonwealth in lawful money of the United States. Said scrip may be either in the form of registered or coupon bonds, as the governor and council shall determine; it shall bear date on the first day of January or July, which shall next precede the several issues of the same. All said scrip shall be countersigned by the governor of the Commonwealth for the time being, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. The treasurer of the Commonwealth for the time being, shall deliver said scrip to the treasurer of the Lee and New Haven Railroad Company, whenever ordered by the governor and council, on the application of the directors of said railroad company, under the provisions of this act, for the purpose of aiding in its completion, and for the equipment of the same.

To be countersigned by governor.

To aid the construction of the Lee and New Haven Railroad.

At what times and upon what conditions scrip to be delivered to railroad.

SECTION 2. Whenever it shall be made to appear to the satisfaction of the governor and council that the Lee and New Haven Railroad Company has properly expended one hundred thousand dollars in the construction of its road, then a portion of said scrip to the amount of fifty thousand dollars shall, upon the terms hereinafter specified, be delivered to the treasurer of said railroad company. And when it shall appear to the satisfaction of the governor and council that a further expenditure of one hundred thousand dollars in addition to the amount previously loaned by the

Commonwealth, has been made in the construction of said road as aforesaid, then another portion of said scrip to the amount of fifty thousand dollars shall be delivered upon the terms herein expressed to the treasurer of said railroad company; and so in like manner said scrip shall be issued and delivered until the whole amount hereby authorized shall have been issued and delivered.

SECTION 3. The Lee and New Haven Railroad Company shall make, execute and deliver to the Commonwealth, in manner and form to be approved by the attorney-general, a first mortgage deed of the road, franchise and property of said company to indemnify and save harmless the Commonwealth from loss or damage on account of said scrip, and that said railroad company shall and will well and truly pay the principal sum of said scrip when the same shall become due and payable, and interest thereon as the same shall fall due; said mortgage deed shall be made, executed and delivered as aforesaid, when the same shall be demanded by the treasurer of the Commonwealth.

Railroad to be mortgaged to the State as security.

SECTION 4. Whenever said railroad shall have been opened for use from Lee to the Connecticut state line, five thousand dollars annually shall be set apart from the net income of said road, and paid to the commissioners herein-after named in the fifth section of this act, as a sinking fund, to be managed, invested and appropriated as is or shall be provided by law: *provided*, that whenever in the opinion of the treasurer of the Commonwealth for the time being, a sufficient sum shall have been set apart to produce with the accruing interest an amount equal to the scrip issued under this act when the same shall fall due, then said company may be relieved from making further additions to said sinking fund.

Sinking fund to be established.

SECTION 5. The treasurer of the Commonwealth, the auditor of the Commonwealth, and the treasurer of the Lee and New Haven Railroad Company for the time being, shall be commissioners of the sinking fund of said railroad company. The said commissioners shall have the care and management of all the moneys, funds and securities at any time belonging to said sinking fund, and shall invest the same according to law; but the money not invested, and all the securities of said fund shall be in the custody of the treasurer of the Commonwealth.

Proviso.

Treasurers of the Commonwealth and railroad to be commissioners of sinking fund.

Said commissioners shall keep a true account of all their proceedings; they shall annually, in the month of January, make a report to the legislature setting forth their proceedings for the year preceding, the amount and condition of

Commissioners to make report to legislature annually.

Compensation of commissioners.

said funds, and the income of the several parts thereof for the year, which records and securities, and the books of account belong thereto, shall at all times be open to the inspection of the governor and council, or of any committee of the legislature; and the said commissioners shall receive for their services from the Lee and New Haven Railroad Company the sum of forty dollars each annually.

Commissioners to be appointed to ascertain amount of work done on road.

SECTION 6. The governor with the advice and consent of the council, shall appoint three commissioners, one of whom shall be a competent civil engineer, to ascertain from time to time, as the governor and council shall direct, the amount of work performed on the line of the railway of the Lee and New Haven Railroad Company, and the expenditures properly incurred and made for the same, and to advise and inform the governor and council in reference to all matters and things they are called upon to ascertain or verify under the terms and provisions of this act. The governor and council may fix the proper compensation of such commissioners, which shall be paid by said railroad company.

Compensation.

Scrip not to be issued unless it appears that road will be completed, &c.

SECTION 7. No portion of said scrip shall be issued unless it shall be made to appear to the satisfaction of the governor and council that said railroad company will be able, either alone or with the aid of other parties than this Commonwealth, to complete a line of railway from Lee to the Connecticut state line; and if at any time after any portion of said scrip shall have been delivered to said treasurer of said railroad company, it shall appear to the governor and council and commissioners, that a railroad will not be completed between Lee and the Connecticut state line within three years from the date of the passage of this act, then no further portion of said scrip shall be delivered to the treasurer of said company; and the Commonwealth may enter upon and take possession of said road and all its property, and foreclose forthwith and without equity of redemption, the mortgage held under the third section of this act.

Books and accounts to be open for examination, &c.

SECTION 8. The governor and council and the commissioners appointed by them shall at all times, until the payment of the scrip of the Commonwealth, have free access to all the books and accounts of said railroad company for the purpose of examination.

SECTION 9. This act shall take effect upon its passage.

Approved June 5, 1868.

AN ACT TO AUTHORIZE THE BAY STATE STEAMBOAT COMPANY TO HOLD REAL ESTATE IN NEWPORT.**Chap. 314***Be it enacted, &c., as follows:*

SECTION 1. The Bay State Steamboat Company is hereby authorized to hold real estate in the city of Newport, in the state of Rhode Island, to an amount not exceeding in value the sum of fifty thousand dollars.

Real estate,
\$50,000.**SECTION 2.** This act shall take effect upon its passage.*Approved June 5, 1868.***AN ACT IN RELATION TO THE TAXATION OF DEPOSITS IN SAVINGS BANKS.****Chap. 315***Be it enacted, &c., as follows:*

Every savings bank and institution for saving incorporated under the laws of this Commonwealth, including the Mercantile Savings Institution, in the city of Boston, shall pay to the treasurer of the Commonwealth a tax on account of its depositors of three-quarters of one per centum per annum on the amount of its deposits, to be assessed, one-half of said annual tax on the average amount of its deposits for the six months preceding the first day of May, and the other on the average amount of its deposits for the six months preceding the first day of November.

Tax of three-
quarters of one
per cent. on de-
posits in sav-
ings banks.*Approved June 6, 1868.***AN ACT TO AUTHORIZE THE LEE AND NEW HAVEN RAILROAD COMPANY TO REDUCE ITS CAPITAL STOCK.****Chap. 316***Be it enacted, &c., as follows:*

SECTION 1. The Lee and New Haven Railroad Company is hereby authorized to reduce its capital stock to three hundred thousand dollars.

Capital stock
may be reduced
to \$300,000.**SECTION 2.** This act shall take effect upon its passage.*Approved June 6, 1868.***AN ACT RELATING TO INSURANCE COMPANIES.****Chap. 317***Be it enacted, &c., as follows:*

SECTION 1. The provisions of all general laws which are or may be in force relating to insurance companies incorporated in other states of the United States, are hereby extended to all companies, associations and individuals formed or associated in such other states, and doing an insurance business in this state, whether incorporated or not.

Provisions relat-
ing to foreign in-
surance compa-
nies to be applied
to all, whether
incorporated or
not.

SECTION 2. If a mutual fire insurance company is owing for money borrowed to pay losses or expenses, or is owing for losses or expenses which it cannot pay otherwise than by borrowing money, and the directors neglect or omit, for the space of six months after such losses or expenses became due and payable, to lay and collect with all practicable diligence

If mutual com-
panies cannot
pay losses with-
out borrowing,
directors liable
for debts unless
they lay assess-
ment within six
months of loss.

an assessment which, with other cash funds on hand, if any, is sufficient to discharge all the existing indebtedness of the company, they shall be personally liable for all debts and claims then outstanding against the company, and for all thereafter accruing, until an assessment is laid and put in process of collection, as aforesaid: *provided*, that in case of such existing indebtedness by any company, six months shall be allowed after the passage of this act.

Proviso.

Mutual marine companies not to issue policies until half of capital is paid in cash.

SECTION 3. No insurance company hereafter chartered, with authority to effect marine insurance on the mutual principle, shall issue policies until at least one-half of the subscribed capital or safety fund required by law has been paid in in cash. The provisions of law relating to the capital of joint-stock insurance companies, shall be applicable to the cash capital of such mutual companies.

Approved June 8, 1868.

Chap. 318 AN ACT IN FURTHER ADDITION TO AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows:

Special commissioners to grant licenses to be elected in Suffolk County.

SECTION 1. The mayor and aldermen of the cities of Boston and Chelsea, and the selectmen of the towns of North Chelsea and Winthrop shall, upon the passage of this act, issue their warrants for the election of three special commissioners for the county of Suffolk, under the act of which this is an amendment, in their respective cities and towns, to be holden on the third Wednesday of June of the current year.

Return of votes.

And the said mayor and aldermen and selectmen shall, within three days after said election, make returns of the votes cast for said commissioners to the secretary of the Commonwealth. The secretary, upon receiving such returns, shall transmit them to the governor and council, and the governor, with at least five of the council, shall, within five days, examine them, and he shall notify such persons as appear to have been elected, and returns shall be made in like manner at each succeeding election for a special commissioner under said act.

To give bonds, \$50,000.

SECTION 2. The special commissioners above named shall, before entering upon the discharge of their duties, give bonds for the faithful performance of their duties, in the sum of fifty thousand dollars each, in two sufficient sureties satisfactory to the treasurer of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved June 8, 1868.

AN ACT TO EXTEND THE TIME OF THE STATE LOAN IN AID OF THE
WESTERN RAILROAD CORPORATION.

Chap. 319

Be it enacted, &c., as follows:

SECTION 1. For the purpose of redeeming the outstanding scrip of the Commonwealth, issued to aid the construction of the Western Railroad, under the provisions of the acts approved February twenty-first, in the year eighteen hundred and thirty-eight; March twenty-third, in the year eighteen hundred and thirty-nine; and March eighteenth, in the year eighteen hundred and forty-one; the treasurer of the Commonwealth is hereby authorized and directed to issue scrip, or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, for the sum of two million dollars.

\$2,000,000 in scrip to be issued to redeem that issued to aid construction of Western Railroad.

SECTION 2. Said scrip shall bear date the first day of July, in the year eighteen hundred and sixty-eight, and shall be expressed in the currency of Great Britain, and made payable to the bearer thereof in gold, in London, at the expiration of twenty years from said date, bearing interest at the rate of five per centum per annum, payable semi-annually in gold, in London, on the first day of January and the first day of July, with warrants for interest attached thereto. Said scrip shall be countersigned by the governor of the Commonwealth for the time being, and shall be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof.

—to be in currency of Great Britain at five per cent interest payable in gold.

SECTION 3. The treasurer of the Commonwealth shall, under the conditions hereinafter provided, deliver the scrip issued under authority of this act, to the commissioners of the sinking fund of the Western Railroad Corporation, for the purpose of enabling them to pay and redeem at maturity, or cause to be paid and redeemed, the outstanding scrip of the Commonwealth, issued in aid of the construction of said Western Railroad, under the provisions of the acts aforesaid. Said commissioners shall, for that purpose, either sell said scrip, in such sums and at such times as they may find necessary and convenient, or, if they deem it expedient, they may deliver the same, or any part thereof, to the Boston and Albany Railroad Company, who shall use the same, or the proceeds thereof, to pay and redeem said outstanding scrip, and for no other purpose whatsoever: *provided*, that said company may pledge the same as collateral security for the loan to them of money which shall be used exclusively to pay and redeem the outstanding scrip aforesaid, as the same matures. All scrip so paid and redeemed shall be forthwith delivered to the treasurer of the Commonwealth,

—to be delivered to commissioners of sinking fund.

—to be sold or delivered to Boston and Albany Railroad.

Provide.

Redeemed scrip to be delivered to State treasurer.

an assessment which, with other cash funds on hand, if any, is sufficient to discharge all the existing indebtedness of the company, they shall be personally liable for all debts and claims then outstanding against the company, and for all thereafter accruing, until an assessment is laid and put in process of collection, as aforesaid: *provided*, that in case of such existing indebtedness by any company, six months shall be allowed after the passage of this act.

Proviso.

Mutual marine companies not to issue policies until half of capital is paid in cash.

SECTION 3. No insurance company hereafter chartered, with authority to effect marine insurance on the mutual principle, shall issue policies until at least one-half of the subscribed capital or safety fund required by law has been paid in in cash. The provisions of law relating to the capital of joint-stock insurance companies, shall be applicable to the cash capital of such mutual companies.

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SECTION 1. The mayor and aldermen of the cities of Boston and Chelsea, and the selectmen of the towns of North Chelsea and Winthrop shall, upon the passage of this act, issue their warrants for the election of three special commissioners for the county of Suffolk, under the act of which this is an amendment, in their respective cities and towns, to be holden on the third Wednesday of June of the current year. And the said mayor and aldermen and selectmen shall, within three days after said election, make returns of the votes cast for said commissioners to the secretary of the Commonwealth. The secretary, upon receiving such returns, shall transmit them to the governor and council, and the governor, with at least five of the council, shall, within five days, examine them, and he shall notify such persons as appear to have been elected, and returns shall be made in like manner at each succeeding election for a special commissioner under said act.

Return of votes.

To give bonds, \$50,000.

SECTION 2. The special commissioners above named shall, before entering upon the discharge of their duties, give bonds for the faithful performance of their duties, in the sum of fifty thousand dollars each, in two sufficient sureties satisfactory to the treasurer of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved June 8, 1868.

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SECTION 1. For the purpose of redeeming the outstanding scrip of the Commonwealth, issued to aid the construction of the Western Railroad, under the provisions of the acts approved February twenty-first, in the year eighteen hundred and thirty-eight; March twenty-third, in the year eighteen hundred and thirty-nine; and March eighteenth, in the year eighteen hundred and forty-one; the treasurer of the Commonwealth is hereby authorized and directed to issue scrip, or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, for the sum of two million dollars.

\$2,000,000 in scrip to be issued to redeem that issued to aid construction of Western Railroad.

SECTION 2. Said scrip shall bear date the first day of July, in the year eighteen hundred and sixty-eight, and shall be expressed in the currency of Great Britain, and made payable to the bearer thereof in gold, in London, at the expiration of twenty years from said date, bearing interest at the rate of five per centum per annum, payable semi-annually in gold, in London, on the first day of January and the first day of July, with warrants for interest attached thereto. Said scrip shall be countersigned by the governor of the Commonwealth for the time being, and shall be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof.

—to be in currency of Great Britain at five per cent interest payable in gold.

SECTION 3. The treasurer of the Commonwealth shall, under the conditions hereinafter provided, deliver the scrip issued under authority of this act, to the commissioners of the sinking fund of the Western Railroad Corporation, for the purpose of enabling them to pay and redeem at maturity, or cause to be paid and redeemed, the outstanding scrip of the Commonwealth, issued in aid of the construction of said Western Railroad, under the provisions of the acts aforesaid. Said commissioners shall, for that purpose, either sell said scrip, in such sums and at such times as they may find necessary and convenient, or, if they deem it expedient, they may deliver the same, or any part thereof, to the Boston and Albany Railroad Company, who shall use the same, or the proceeds thereof, to pay and redeem said outstanding scrip, and for no other purpose whatsoever: *provided*, that said company may pledge the same as collateral security for the loan to them of money which shall be used exclusively to pay and redeem the outstanding scrip aforesaid, as the same matures. All scrip so paid and redeemed shall be forthwith delivered to the treasurer of the Commonwealth,

—to be delivered to commissioners of sinking fund.

—to be sold or delivered to Boston and Albany Railroad.

Provided.

Redeemed scrip to be delivered to State treasurer.

ment, bonds and mortgages shall be discharged, and delivered up to said Boston and Albany Railroad Corporation.

Compensation of commissioners.

SECTION 8. The commissioners of the sinking fund of the Western Railroad Corporation shall receive for their services from the Boston and Albany Railroad Company the sum of one hundred dollars each annually.

Approved June 8, 1868.

Chap. 320

AN ACT RELATING TO ASSESSMENT OF TAXES UPON ESTATES OMITTED IN THE ANNUAL TAXATION.

Be it enacted, &c., as follows:

Certain estate not taxed, and omitted in warrant to collector, may be taxed subsequently, &c.

SECTION 1. When the assessors of any city or town, after the time when their warrant has been committed to the collector of taxes, shall discover that the real or personal estate of any person, to an amount not less than five hundred dollars, and liable to taxation, has been omitted from the last annual assessment of taxes in such city or town, said assessors shall proceed forthwith to assess such person for such estate in like manner as he should have been assessed in such last annual assessment. The taxes so assessed, shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant: *provided*, that such tax shall not be assessed after the first day of August for any such omission.

Proviso.

Tax not invalidated if amount exceeds that authorized by law.

SECTION 2. No tax of any city or town shall be invalidated by reason that, in consequence of the provisions of this act, the whole amount of the taxes assessed in such city or town shall exceed the amount authorized by law to be raised.

SECTION 3. This act shall take effect upon its passage.

Approved June 8, 1868.

Chap. 321

AN ACT RELATING TO MALICIOUS TRESPASSES.

Be it enacted, &c., as follows:

Penalties for malicious trespass.

SECTION 1. When a conviction is had under sections eighty-one, eighty-two, eighty-three or eighty-four, of chapter one hundred and sixty-one of the General Statutes, the person so convicted shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the house of correction not exceeding six months.

Jurisdiction of courts.

SECTION 2. Municipal courts, police courts, and trial justices shall have jurisdiction concurrent with the superior court of offences under said sections when the value of the property cut, taken, carried away, injured or destroyed, or the injury occasioned by the trespass is not alleged to exceed the sum of one hundred dollars, and may punish by fine not

exceeding one hundred dollars or imprisonment not exceeding six months or both.

SECTION 3. This act shall not affect any prosecution pending or any liability or penalty incurred for any offence committed prior to the time this act shall take effect.

Prosecutions pending, &c., not affected.

Approved June 8, 1868.

AN ACT RELATING TO CHARLES RIVER BRIDGE AND WARREN BRIDGE.

Be it enacted, &c., as follows:

Chap. 322

SECTION 1. The supreme judicial court, sitting as a full court in any county, at any time after the passage of this act, upon the petition of the attorney-general and after such notice as the court or any justice thereof may order, shall appoint three discreet and competent commissioners for the purposes hereinafter named.

Commissioners to be appointed by S. J. C.

SECTION 2. Said commissioners shall be sworn to the faithful and impartial discharge of their duties, and shall then, after due public notice and hearing of all parties in interest, proceed to determine and award what counties, cities or towns receive particular and special benefit from the maintenance of Charles River Bridge and Warren Bridge and to apportion and assess the expense of maintaining the same upon such of said counties, cities or towns, and in such manner and amount as they shall deem equitable and just. And the said commissioners shall likewise at the same time assign or divide the moneys, funds, properties, and other things now belonging to said bridges or the bridge fund to or between any of said corporations in such manner as to justly and equitably apportion the same with reference to the burden imposed.

—to be sworn, hear parties in interest, and assess the expense of maintaining bridges.

—to divide funds, &c.

SECTION 3. When such award has been returned into the supreme judicial court, sitting for the county of Suffolk, and has been accepted by said court, the same shall be a final and conclusive adjudication of the matters herein referred to them, and binding upon all parties, and said court may enforce the same if necessary by proper process.

Award to be binding, and court may enforce it.

SECTION 4. Upon the acceptance of said award by the court as aforesaid the said bridges shall become highways, and the cities of Boston and Charlestown respectively, shall severally be liable for all damages arising from any want of repair in those portions thereof within their respective limits. And the care and management of said bridges shall be vested in a board of commissioners consisting of two persons from each city, chosen in accordance with such ordinances as said cities shall severally establish, and until such commissioners are chosen the mayors of said cities shall *ex officio* constitute

Upon acceptance of award, bridges to be highways.

Commissioners to be appointed by Boston and Charlestown.

—to hold funds,
&c.

a board of commissioners. All funds and moneys provided for in this act shall be received and held by said commissioners.

—to estimate expense of opening draws.

SECTION 5. The commissioners appointed under the first section of this act, in their estimate of the expense of maintaining said bridges, shall include the expense of opening the draws thereof and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or by night.

—to determine sum to be paid by Middlesex Railroad Company, &c.

SECTION 6. The commissioners appointed under the first section of this act shall have authority to determine and award what sum the Middlesex Railroad Company, and any other corporation which may have authority to run street railway cars or other vehicles for the business of carrying passengers, or parties engaged as common carriers of passengers, over said bridges or either of them, shall contribute to the expense of maintaining the same.

—may award sum in gross or annual payments.

SECTION 7. The said commissioners shall have power to make their award either in a gross sum or in annual payments.

—may sell land belonging to State.

Section 8. The said commissioners shall have power to sell and dispose of a certain triangular piece of land belonging to the Commonwealth situated at the Boston end of the Warren Bridge and between the same, the southern pier of its draw, and the Fitchburg Railroad bridge, containing about twenty thousand square feet, and to add the proceeds of the same to the fund for said bridges: *provided, however*, that the occupancy and improvement of the same shall be subject to the approval of the board of harbor commissioners.

Proviso.

Boston, and Middlesex Railroad not released from existing obligations relative to repairs, &c.

SECTION 9. Nothing contained in this act shall release the city of Boston from its obligation to keep in repair all that part of Warren Bridge connected with its water works, nor from its liability for any damages arising from any defect in or accident to said works, nor shall release the Middlesex Railroad Company from any legal obligation now existing to maintain and keep in repair any portion of said bridges, nor from any liability for loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants in the management, construction or use of its tracks on said bridges.

Compensation of commissioners.

SECTION 10. The compensation of the commissioners named in the first section of this act shall be fixed by the court to which the award is returned and paid from the treasury of the Commonwealth.

SECTION 11. All acts and parts of acts inconsistent herewith are hereby repealed, saving and excepting however all rights of action existing at the time of the passage hereof. Repeal.

SECTION 12. This act shall take effect upon its passage.

Approved June 8, 1868.

AN ACT CEDING JURISDICTION OVER CERTAIN LANDS IN BOSTON TO THE UNITED STATES OF AMERICA.

Chap. 323

Be it enacted, &c., as follows:

SECTION 1. The consent of the Commonwealth of Massachusetts is hereby given to the purchase by the United States of America of a piece or pieces of land in the city of Boston, between Water street and Milk street, and easterly of Devonshire street, to be used for a post-office and the purposes of the treasury of the United States. And jurisdiction is hereby ceded to the United States over the said territory when the United States shall become owner thereof: *provided*, that this Commonwealth retains concurrent jurisdiction with the United States over said territory so far that all civil and criminal processes issuing by authority of this Commonwealth may be served and executed on said territory and in any buildings thereon, in the same manner as if jurisdiction had not been ceded to the United States as aforesaid.

Jurisdiction ceded to U. S. of land in Boston, for a post-office and treasury.

State retains concurrent jurisdiction.

SECTION 2. All jurisdiction of the United States ceded by this act over said territory, or any part thereof, shall revert to the Commonwealth of Massachusetts whenever and so far as the United States shall cease to be the owner thereof, or to use the same for the purposes declared in this act. And the United States shall not be hereby authorized to exercise any jurisdiction over any part of any highway on which said territory may be bounded.

When jurisdiction to revert to State.

SECTION 3. This act shall be void unless a suitable plan of the territory purchased by the United States under this act shall be filed in the office of the secretary of the Commonwealth within one year from the passage of this act.

Plan to be filed in secretary's office within one year.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1868.

AN ACT TO INCORPORATE THE EASTERN STEAMSHIP COMPANY.

Chap. 324

Be it enacted, &c., as follows:

SECTION 1. Frederic Nickerson, Harrison Loring, Joseph Nickerson, their associates and successors, are hereby made a corporation by the name of the Eastern Steamship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general

Corporators.

Name and purpose.
Powers and duties.

laws which now are or may hereafter be in force and applicable to such corporation.

May hold one or more steamships.

SECTION 2. Said corporation is hereby authorized and empowered to hold or charter one or more steamships, and employ the same in transporting freight and passengers between any port or ports in this Commonwealth and any port or ports in the British provinces; and said company may let by charter one or more of its steamships to any person or persons: *provided*, such charter does not prevent said company from complying with the terms of this act.

Proviso.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; and no certificate of stock shall be issued until the par value of the same shall have been paid to the treasurer of said corporation, in cash.

Act void unless organized, &c., within one year.

SECTION 4. This act shall be null and void, unless within one year from the passage of this act the said corporation shall be organized, an amount equal to one-half of the capital stock subscribed for paid in in cash, and said company have one or more steamships employed in the transportation of passengers and freight between some port in this Commonwealth and some port in the British provinces; and if said corporation shall at any time fail, for the term of one year, to employ one or more steamships in the business aforesaid, this act shall be void.

SECTION 5. This act shall take effect upon its passage.

Approved June 8, 1868.

Chap. 325

AN ACT TO ESTABLISH THE COUNTY SEAT OF THE COUNTY OF BERKSHIRE AT PITTSFIELD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Terms of supreme judicial court and superior court in Berkshire County to be held at Pittsfield.

SECTION 1. From and after the first day of January in the year eighteen hundred and sixty-nine, the several terms of the supreme judicial court, now by law held annually at Lenox, within and for the county of Berkshire, on the second Tuesdays of May and September, and also the several terms of the superior court, now by law held annually at said Lenox on the first Mondays of January and July, and the fourth Mondays of February, June and October, shall each be held annually on the respective days aforesaid, at Pittsfield, in said county of Berkshire.

Courts of probate and insolvency at Pittsfield.

SECTION 2. From and after the first day of January, in the year eighteen hundred and sixty-nine, the several courts of probate and courts of insolvency, now by law held at Lenox, in said county of Berkshire, shall be held at Pitts-

field, within and for said county, at such times, respectively, as they are now by law required to be holden at Lenox aforesaid.

SECTION 3. The county commissioners for said county of Berkshire shall hold meetings at said Pittsfield on the first Tuesdays of April, July and September and on the last Tuesday of December, annually, after the first day of January, in the year eighteen hundred and sixty-nine.

Meetings of county commissioners

SECTION 4. All writs and processes, of whatever nature, whether civil or criminal, returnable to or pending in said supreme judicial court, superior court, probate court and court of insolvency, and all petitions, processes and proceedings, of whatever nature, returnable to or pending before said commissioners at the time named in the preceding sections of this act, shall thereafter be returned and have day in the respective courts to which they may appertain, at the times and in the place established by this act; and all parties and persons who, on said first day of January, in the year eighteen hundred and sixty-nine, shall have been required to appear and attend at the terms and times aforesaid, shall appear and attend and have like day in court, at the terms and times and in the place established by this act.

Writs and processes returnable and have day at the times, &c., established by this Act.

SECTION 5. The registry of deeds for the middle district, comprising the towns of Lenox, Pittsfield, Richmond, Stockbridge, Lee, Tyringham, Becket, Washington, Peru, Hinsdale and Otis, now situated at said Lenox, shall, from and after the first day of January, in the year eighteen hundred and sixty-nine, be removed to, and kept in, the town of Pittsfield.

Registry of deeds for middle district to be kept in Pittsfield.

SECTION 6. The jail and house of correction for the said county of Berkshire, now situated at said Lenox, shall, from and after the first day of January, in the year eighteen hundred and sixty-nine, be removed to the town of Pittsfield.

Jail and house of correction.

SECTION 7. The records of the courts mentioned in this act, and of the county commissioners, from and after the first day of January, in the year eighteen hundred and sixty-nine, shall be removed to and kept in said town of Pittsfield.

Records of the courts.

SECTION 8. The county commissioners of the county of Berkshire, are hereby authorized to borrow, on the credit of said county, a sum of money not exceeding one hundred thousand dollars, to be expended in building a court house and buildings for a jail and house of correction in the town of Pittsfield.

County may borrow money to build a court house, &c.

SECTION 9. This act shall take effect in three months from its passage: *provided*, that on or before that time, a suitable lot or lots of land on which to place the court house,

When and on what terms this Act to have effect.

Proviso.

jail and house of correction, with suitable and convenient yards, be provided in said Pittsfield, without expense to the county of Berkshire, said lot or lots, and the conveyance thereof to the county, to be to the acceptance of the county commissioners of said county; and *provided, further*, that suitable rooms be furnished by the town of Pittsfield, without expense to said county, for the holding of the several courts named in this act, and the keeping of the records thereof, and for the registry of deeds and the meetings of the county commissioners, to the acceptance and satisfaction of said commissioners, from the first day of January, in the year eighteen hundred and sixty-nine, until the completion of the court house in said Pittsfield.

Approved June 8, 1868.

Chap. 326 AN ACT IN ADDITION TO "AN ACT FOR THE IMPROVEMENT OF THE HARBOR OF BOSTON AND THE COMMONWEALTH'S FLATS THEREIN."

Be it enacted, &c., as follows:

Harbor commissioners may contract for State to fill flats in Boston Harbor.

SECTION 1. The harbor commissioners are hereby authorized to contract in the name of the Commonwealth with any person or persons, or with the city of Boston, for the filling of any portion of the lands or flats in Boston Harbor which lie northerly of South Boston and easterly of Fort Point Channel, and within the exterior line laid down on the plan for the occupation of the flats owned by the Commonwealth in Boston Harbor, approved by the legislature in the eighty-first chapter of the resolves of the year eighteen hundred and sixty-six, and for building wharves, docks, sea-walls, basins, streets, bridges or sewers, and for dredging or doing any work upon or in relation to said flats, and to pay for the same by conveyances of any portion of said flats, or the granting of any rights or privileges therein, and for laying out and building streets and sewers to and over said flats or any part thereof, reserving and laying out channels; and they may authorize any corporations or persons to lay and use railroad tracks over any parts of said flats, for the purpose of transporting materials for filling up the said flats, and of any other work in relation thereto, and shall have full power to determine and settle, by agreement, arbitration or process of law, the relative rights and interests of the Commonwealth and all other parties in and to and over said flats and any parts thereof; and said commissioners shall have power to enter into any contracts in regard to the occupation and improvement of said flats which said commissioners think best: *provided*, that every conveyance made and the terms thereof, every contract entered into, every authority given for laying railroad tracks and otherwise, every plan for the

—may allow railroad tracks to be laid, &c.

—may settle by arbitration conflicting rights.

—may make contracts in regard to occupation, &c.

Proviso.

occupation of said flats, and building docks, sea-walls, basins, wharves, streets and sewers thereon, adopted by said commissioners, shall be submitted to the governor and council, and shall not be binding on the Commonwealth, and shall not have any force or effect until the same have been approved by the governor and council.

SECTION 2. Said commissioners may make any contract which they think judicious, with any of the riparian owners in South Boston, and with the Boston Wharf Company, for the purchase or exchange of lands or flats, and they shall have full authority to release for money or other valuable consideration, upon such terms and conditions as they shall deem fit, and convey by deed, with warranty or otherwise, to be duly executed by them in behalf of the Commonwealth, the right, title and interest of the Commonwealth in the whole or any part of said lands or flats; but all sales of lands or flats, unless otherwise ordered by the governor and council, shall be by public auction, and the manner, terms and conditions of such sales shall be prescribed by the governor and council.

—may make contracts with riparian owners for exchange, &c., of flats.

SECTION 3. The sea-wall authorized to be erected under chapter three hundred and fifty-four of the acts of the year eighteen hundred and sixty-seven may be commenced at any point on Fort Point Channel considered expedient by the commissioners, and shall be built on the exterior line laid down on the plan designated in said act, as subsequently modified, or within said line at a distance not exceeding fifty feet therefrom. Said wall may be constructed with openings in the same, filled with sheet pilings or otherwise, between such points as said board shall determine. And said commissioners may erect a suitable temporary bulkhead of wood to retain the dredged material, previous to the construction of said wall, at such a distance in the rear thereof as will not interfere with the construction of said wall and the docks and wharves connected therewith. And the commissioners may use the unexpended balance of the appropriation made in the act aforesaid for these purposes.

Sea-wall, where and how to be built; 1867, 864.

Temporary bulkhead may be erected.

SECTION 4. All contracts for filling section one, as shown upon plan number one, dated the twelfth day of December, in the year eighteen hundred and sixty-seven, annexed to the report of the committee on the Commonwealth flats, near South Boston, appointed under chapter ninety-three of the resolves of the year eighteen hundred and sixty-seven, shall require the whole of that portion of the upper harbor of Boston, colored red upon plan number two, annexed to said report, to be dredged, as nearly as practicable, to the depth

Contracts for filling section one, &c.

Contracts for filling sections two and three.

of twenty-three feet below mean low-water thereon, and the materials thus obtained to be used in filling said section one. And all contracts for filling sections two and three, as shown upon said plan number one, shall require a portion of said upper harbor to be dredged in the same manner and to the same depth as aforesaid, and the materials thus obtained to be used in filling said sections two and three; and the number of cubic yards of material so required to be dredged and used in filling said sections two and three, respectively, shall bear the same proportion to the respective areas of said sections two and three that the number of cubic yards herein required to be dredged from said locality, colored red, shall bear to the area of said section number one. All said contracts for filling said sections shall require the additional materials therefor to be dredged from the reserve channel, as shown upon said plan number two, and also from such other parts of the harbor or taken from such other sources as said commissioners may deem expedient. And the dredging so done in said upper harbor shall be full compensation for the tide-water displaced by the work authorized under this act: *provided, however*, if it shall appear from hydrographical and physical surveys that injury to the harbor has resulted from the work herein authorized, then such injury shall be repaired, by dredging or otherwise, in such manner and to such an extent as the legislature shall hereafter determine.

Dredging, &c.

Proviso.

Proceeds of sales to be paid into treasury and applied to sinking fund.

SECTION 5. All money received from the sale of lands and flats or otherwise, under this act, shall be paid into the treasury of the Commonwealth, and shall be applied to the sinking fund as provided for by section three of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five.

Eastern Avenue, with bridge over Fort Point Channel, to be public street.

SECTION 6. The city of Boston is hereby authorized to build and lay out as a public street, Eastern Avenue, with a bridge over Fort Point Channel, having suitable draws, said avenue and bridge to be located and constructed at such places and upon such plans and upon such terms and conditions as the harbor commissioners may make, the same to be subject to the approval of the governor and council.

Contracts, &c., subject to approval of governor and council.

SECTION 7. All plans and specifications for the improvement of the flats and for work in connection therewith, and all contracts made in carrying out the authority given by this act shall be subject to the approval of the governor and council.

Money not to be paid, except as provided in Act.

SECTION 8. Nothing herein contained shall authorize said commissioners, by any stipulation or contract, to require the

payment of any money from the treasury of the Commonwealth except as provided in the third section of this act.

SECTION 9. Chapter ninety-three of the resolves of the year eighteen hundred and sixty-seven, also sections three and five of the three hundred and fifty-fourth chapter of the acts of the year eighteen hundred and sixty-seven are hereby repealed.

SECTION 10. This act shall take effect upon its passage.

Approved June 9, 1868.

AN ACT RELATING TO INSOLVENT ESTATES OF DECEASED PERSONS.

Chap. 327

Be it enacted, &c., as follows:

SECTION 1. When a commissioner upon the insolvent estate of a deceased person has died, or resigned before the performance of his duties, or has unreasonably neglected to make the return required by law, or has been removed, the probate court may appoint in his stead a new commissioner, and such new commissioner shall have the same powers and perform the same duties in reference to the proof of claims against such estate and the return thereof as if he had been originally appointed: *provided*, that the time for taking proof of claims and making returns thereof shall be extended six months from the appointment of such new commissioner.

When commissioner of insolvent estate dies, &c., new one may be appointed.

Time for receiving claims and making returns not to exceed six months.

SECTION 2. Dividends may be ordered and paid to the creditors of such estates whose claims have been proved and allowed, whenever the court may deem it proper, leaving in the hands of the executor or administrator a sum sufficient to pay claims that may probably be proved, a proportion equal to what shall be then paid to the other creditors, which sum shall remain unappropriated in the hands of the executor or administrator until the final dividend is declared, or until the judge orders a distribution.

Dividends paid as court orders, leaving sufficient to pay probable claims.

SECTION 3. The second section of the two hundred and seventeenth chapter of the acts of the year one thousand eight hundred and sixty-three is hereby repealed.

Repealed.

Approved June 9, 1868.

AN ACT IN RELATION TO THE SETTLEMENT OF PAUPERS.

Chap. 328

Be it enacted, &c., as follows:

SECTION 1. Hereafter, any person of the age of twenty-one years, having the other qualifications mentioned in the fourth, fifth, ninth and twelfth clauses of the first section of chapter sixty-nine of the General Statutes, shall be deemed to have thereby gained a settlement as therein provided, although not a citizen of this or any other of the United States.

Settlement, how obtained.

SECTION 2. The governor and council are hereby authorized to contract with any person or corporation for the completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and to dispose of the interest of the Commonwealth in the same, and in the Southern Vermont Railroad, upon such terms as they may deem for the best interests of the Commonwealth.

Money to be drawn from time to time.

SECTION 3. When a contract is made as provided in the first section of this act, the governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth for such sums as may be required from time to time for the purpose of carrying out the provisions of this act, and the sum of five millions of dollars is hereby appropriated, and the treasurer of the Commonwealth is hereby authorized, upon the warrant of the governor, drawn as aforesaid, to issue scrip or certificates of debt to the amount of said appropriation, which shall be expressed in such currency and shall bear such rate of interest, not exceeding six per centum per annum, as the governor and council may direct, and shall be redeemable in not less than twenty nor more than thirty years from the date thereof, and said treasurer shall sell or otherwise dispose of the same as he may deem proper, subject to the approval of the governor and council.

When contract is made, board of commissioners to be abolished and engineer appointed.

SECTION 4. When the whole work shall be put under contract, as heretofore provided, the board of commissioners created by chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-two shall be abolished, and an engineer to superintend the prosecution of the work shall be appointed by the governor and council, whose compensation shall be fixed by them at a sum not exceeding four thousand dollars per annum.

Approved June 9, 1868.

Chap. 334

AN ACT TO AUTHORIZE THE SOUTH OF EUROPE STEAMSHIP COMPANY TO RUN ITS SHIPS BETWEEN PORTS IN MASSACHUSETTS AND PORTS IN GREAT BRITAIN OR IRELAND, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

May run ships to any port in Great Britain, &c.

SECTION 1. The South of Europe Steamship Company is hereby authorized to run its ships between any ports in Massachusetts and any ports in Great Britain or Ireland.

May change name.

SECTION 2. If said company runs its ships to ports in Great Britain or Ireland, it may take the name of the Boston, Chicago and Liverpool Steamship Company.

What to be deemed compliance with chapter 104, Acts of 1868.

SECTION 3. If said company within two years from the seventh day of April of the current year, has one or more steamships employed between ports in Massachusetts and ports in Great Britain or Ireland, it shall be deemed a compliance with the provisions of an act approved the ninth

day of April last, entitled "An Act to renew and extend the charter of the South of Europe Steamship Company."

Approved June 9, 1868.

AN ACT IN ADDITION TO AN ACT CONCERNING THE SALEM TURNPIKE AND CHELSEA BRIDGE AND THE SEVERAL TOLL-BRIDGES IN ESSEX COUNTY.

Chap. 335

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized to hire such sums of money as may be necessary to enable them to comply with the provisions of section eight of the act to which this act is in addition.

County commissioners may hire money.

SECTION 2. The first section of the act to which this act is in addition, is hereby amended by adding thereto the following words: "*provided, however,* that said highway shall be subject to all the leasehold and chartered rights and liabilities of the Lynn and Boston, and the Boston and Chelsea Railroad Corporations."

Highway to be subject to leasehold and other rights of Lynn, Boston and Chelsea Railroads.

SECTION 3. This act shall take effect upon its passage.

Approved June 10, 1868.

AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE INSTITUTION FOR SAVINGS IN ROXBURY AND ITS VICINITY."

Chap. 336

Be it enacted, &c., as follows:

SECTION 1. The Institution for Savings in Roxbury and its Vicinity, at an annual meeting in December of each year, shall have power to elect a board of sixteen trustees, who shall continue in office one year and until others are chosen and qualified in their stead, and such board of trustees so chosen shall have power to elect a president, three vice-presidents, a secretary, treasurer, board of investment and all such other officers as to them shall appear necessary, which officers so chosen shall continue in office until others are chosen and qualified in their stead; all such officers so chosen shall be sworn to the faithful performance of the duties of their offices respectively, and the treasurer shall give bonds to the satisfaction of the said trustees for the faithful discharge of the duties of his office, and said board of trustees shall also have the power of making by-laws for the more orderly management of the business of the corporation: *provided*, such by-laws are not contrary to the constitution and laws of this Commonwealth.

Trustees to be chosen annually.

—to choose all other officers.

Treasurer to give bonds.

Trustees to make by-laws.

Proviso.

SECTION 2. Such parts of the fourth section of the act passed in the year one thousand eight hundred and twenty-five, entitled, "An Act to incorporate the Institution for Savings in Roxbury and its Vicinity," as are inconsistent with the provisions of this act, are hereby repealed.

Repeal.

Approved June 10, 1868.

Chap. 337 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TRUSTEES OF THE ASHLEY SCHOOL AND CHARITABLE FUND.

Be it enacted, &c., as follows:

May hold prop-
erty devised or
bequeathed to
them by late Tim-
othy C. Leonard.

SECTION 1. The trustees of the Ashley School and Charitable Fund are hereby authorized to take, hold and use all money or other property bequeathed or devised to them by the will of Timothy C. Leonard, late of West Springfield, deceased, in the same manner and to the same uses as are set forth in the act approved February sixteenth, in the year eighteen hundred and twenty-five, with respect to the money or the property bequeathed or devised to them by the will of Deacon John Ashley, deceased.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1868.

Chap. 338 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

• Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, herein cited, and for other purposes, to wit:—

Elizabeth J. Sawyer.

In the resolve, chapter two in favor of Elizabeth J. Sawyer, the sum of seventy-two dollars.

Rooms secretary
board of educa-
tion, and presi-
dent of senate.

In the resolve, chapter three, relating to the construction of doorways and rooms for the president of the senate and secretary of the board of education, a sum not exceeding two thousand four hundred dollars.

Increase N. Emerton.

In the resolve, chapter four, in favor of Increase N. Emerton, the sum of fifty-two dollars.

James Kane.

In the resolve, chapter five, in favor of James Kane, the sum of one hundred dollars.

John McIntire.

In the resolve, chapter eleven, in favor of John McIntire and wife, the sum of seventy-five dollars, for the present year.

Blind Asylum.

In the resolve, chapter twelve, in favor of the Perkins Institution and Massachusetts Asylum for the Blind, a sum not exceeding nine thousand dollars, in addition to the amount heretofore appropriated, for the current expenses of said institution.

Andrew Falvey.

In the resolve, chapter thirteen, in favor of Andrew Falvey, the sum of seventy-two dollars.

Woburn.

In the resolve, chapter fifteen, in favor of the town of Woburn, the sum of two hundred and twenty-five dollars.

In the resolve, chapter sixteen, in favor of Isaac H. Jacoy, Isaac H. Jacoy.
the sum of fifty dollars.

In the resolve, chapter seventeen, in favor of William William Gunn.
Gunn, the sum of two hundred and eighty-nine dollars.

In the resolve, chapter nineteen, in favor of company B, Co. B, 6th Reg't
M. V. M.
sixth regiment Massachusetts militia, a sum not exceeding
one hundred dollars and ninety cents.

In the resolve, chapter twenty-one, in favor of Mary Ann Mary A. Nolan.
Nolan, the sum of seventy-five dollars.

In the resolve, chapter twenty-two, in favor of the Massa- Eye and Ear In-
firmary.
chusetts Charitable Eye and Ear Infirmary, the sum of five
thousand dollars.

In the resolve, chapter twenty-three, in favor of the state State almshouse,
Tewksbury.
almshouse at Tewksbury, a sum not exceeding six thousand
dollars, payable upon properly approved vouchers filed with
the state auditor.

In the resolve, chapter twenty-four, in favor of the Indus- Industrial School
for Girls.
trial School for Girls, a sum not exceeding one thousand
five hundred dollars, payable upon properly approved vouch-
ers, filed with the state auditor.

In the resolve, chapter twenty-six, in favor of the state State almshouse,
Tewksbury.
almshouse at Tewksbury, a sum not exceeding five thousand
dollars, payable upon properly approved vouchers filed with
the state auditor.

In the resolve, chapter twenty-seven, in favor of the New Hospital for
Women and
Children.
England Hospital for Women and Children, the sum of one
thousand dollars.

In the resolve, chapter twenty-eight, in favor of Loz N. Loz N. Peabody.
Peabody, the sum of one hundred dollars.

In the resolve, chapter twenty-nine, in favor of Dora S. Dora S. Foster.
Foster, the sum of two hundred and sixteen dollars.

In the resolve, chapter thirty-two, in favor of Barnard C. Barnard C. Mar-
chant.
Marchant, a sum not exceeding two hundred dollars; and
also the sum of one hundred and four dollars, the latter
payable from the income of the Massachusetts school fund.

In the resolve, chapter thirty-three, in favor of the Massa- State prison.
chusetts state prison, a sum not exceeding eight thousand
two hundred dollars.

In the resolve, chapter thirty-four, in favor of the town of Edgartown.
Edgartown, the sum of twenty-nine dollars and fifty cents.

In the resolve, chapter thirty-five, in favor of Abiah Abiah Thomas.
Thomas, the sum of two hundred and twenty dollars.

In the resolve, chapter thirty-six, in favor of the guardian Punkapog In-
dians.
of the Punkapog tribe of Indians, a sum not exceeding six
hundred and fifty-four dollars.

- John Murphy.** In the resolve, chapter thirty-eight, in favor of John Murphy, the sum of three hundred and twenty-five dollars.
- Mount Holyoke Female Seminary.** In the resolve, chapter thirty-nine, in favor of the Mount Holyoke Female Seminary, the sum of forty thousand dollars.
- Gideon Haynes.** In the resolve, chapter forty-two, in favor of Gideon Haynes, a sum not exceeding six hundred dollars.
- School for Idiotic and Feeble-Minded Youth.** In the resolve, chapter forty-three, in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, a sum not exceeding fifteen thousand dollars.
- Discharged Soldiers' Home.** In the resolve, chapter forty-five, in favor of the Discharged Soldiers' Home, the sum of fifteen thousand dollars.
- Washingtonian Home.** In the resolve, chapter forty-eight, in favor of the Washingtonian Home, the sum of six thousand dollars.
- Assistant attorney-general.** In the act, chapter ninety-three, establishing the office of assistant attorney-general, a sum not exceeding one thousand three hundred and fifty dollars for the salary of the incumbent of said office for the present year.
- Justice police court, Fitchburg.** In the act, chapter one hundred and twenty-four, establishing a police court in Fitchburg, a sum not exceeding nine hundred and seventy-five dollars for the salary of the standing justice of said court for the present year.
- State scholarships.** For the support of state scholarships, a sum not exceeding two hundred dollars in addition to the amount heretofore appropriated, and payable from the income of the Massachusetts school fund.
- Legislative committees, expenses.** For expenses of legislative committees, a sum not exceeding four thousand dollars, in addition to the amount heretofore appropriated, and the auditor of accounts is hereby authorized to audit the advertising bills of such committees upon the approval of the chairmen thereof or of the sergeant-at-arms.
- Witnesses.** For fees of witnesses before legislative committees, a sum not exceeding six hundred dollars in addition to the amount heretofore appropriated.
- Printing and binding for legislature.** For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding fifteen thousand dollars in addition to the amount heretofore appropriated.
- Blanks, &c., for legislature.** For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding two hundred dollars, and for the use of the house of representatives, a sum not exceeding two hundred dollars; the same to be in addition to the amounts heretofore appropriated.

For the compensation of the state police, a sum not exceeding seventy-one thousand dollars; for travelling expenses of the state police, a sum not exceeding twenty-three thousand and two hundred dollars; and for clerical, contingent and incidental expenses of the constable of the Commonwealth, a sum not exceeding six thousand and five hundred dollars; the same to be in addition to the amounts heretofore appropriated: *provided*, that no part of the sums appropriated by the above act shall be expended for the payment of a greater number of deputies of the state constable than the minimum now established by existing laws; and no member of the state police shall be entitled to receive any fees for travel or attendance as a witness, but all fees earned by the police force shall be paid to the treasurers of the several counties.

State police.

Proviso.

For the expenses incurred on account of Indians, a sum not exceeding three thousand dollars, viz.: to the guardian of the Troy Indians, for their support, a sum not exceeding seven hundred dollars, and for the salary of said guardian, the sum of one hundred dollars; to the guardian of the Dudley Indians, a sum not exceeding twelve hundred dollars for their support, and for the salary of said guardian, the sum of one hundred dollars; for the salary of the guardian of the Christiantown and Chappequiddic Indians, the sum of one hundred and fifty dollars; for the salary of the guardian of the Punkapog Indians, the sum of forty dollars; to the treasurer of the Marshpee Indians, for the support of certain old state paupers, a sum not exceeding three hundred dollars, payable only upon a detailed account of such expenditure rendered to the state auditor; and the balance to be applicable to the payment of such other expenses on account of Indians as are authorized by statute.

Troy Indians.

Dudley Indians.

Christiantown
and Chappequiddic
Indians.Marshpee In-
dians.

The following sums shall be allowed and paid:

For costs and court expenses incurred by the insurance commissioner under the provisions of section seventy-seven of chapter fifty-eight of the General Statutes, a sum not exceeding one hundred dollars.

Insurance com-
missioner.

For the engraving and printing of state scrip, a sum not exceeding two thousand dollars, payable from the proceeds of the loan authorized by the legislature of the present year, in aid of the Troy and Greenfield Railroad and Hoosac Tunnel.

Engraving, &c.,
State scrip.

For the restoration of mementos and the re-opening of windows in the senate chamber, in accordance with the senate orders of January twenty-fourth and March fifth of

Alterations in
senate chamber.

the present year, a sum not exceeding six hundred fifteen dollars and sixty-one cents.

Rent, &c., of
house in Tre-
mont street.

For rent of house number one hundred and forty-eight Tremont street, Boston, and for expenses connected therewith, to March thirty-first of the present year, the date at which the Commonwealth vacated said premises, a sum not exceeding two thousand six hundred forty-four dollars and eighty-two cents.

Weights, &c., for
towns.

For the purchase of standard weights, measures and balances for the use of towns entitled to the same, a sum not exceeding nine hundred dollars.

Isaac Flye and
wife.

There shall be allowed and paid to Isaac Flye and his wife, state aid from the first day of April, in the year eighteen hundred and sixty-eight, at the rate of one dollar a week for said Isaac Flye and one dollar a week for his wife.

H. D. Parker.

There shall be allowed and paid to H. D. Parker and Company, the sum of seven hundred and eighty-four dollars and twelve cents.

Oliver Nowell.

There shall be allowed and paid to Oliver Nowell, the sum of twelve hundred and ninety-seven dollars and seventy-nine cents.

Stephen I. New-
man.

There shall be allowed and paid to Stephen I. Newman, the sum of fifty dollars.

Elizabeth W.
Morse.

There shall be allowed and paid to Elizabeth W. Morse, the sum of fifty dollars for state aid; and on and after the first day of May, in the year eighteen hundred and sixty-eight, said Elizabeth W. Morse and her children shall be taken and deemed to be entitled to receive the same amount of state aid as though she had been married to her husband, now deceased, before he was discharged from the volunteer service.

Emily I. Cressy.

There shall be allowed and paid to Emily I. Cressy, the sum of seventy-five dollars for state aid; and on and after the first day of May, in the year eighteen hundred and sixty-eight, said Emily I. Cressy shall be taken and deemed to be entitled to receive the same amount of state aid as if she were a widowed mother.

David E. Black-
stock.

There shall be allowed and paid to David E. Blackstock, eighty dollars; to Simeon H. Davenport, one hundred and twenty dollars; to George P. True, forty dollars; to John B. Morrill, one hundred and twenty dollars; to John B. Mansfield, eighty dollars; to William N. Hoyt, one hundred and twenty dollars; to Abner Gill, one hundred and twenty dollars; to George A. Morrill, eighty dollars; to Daniel M. Curtis, eighty dollars; to Andrew I. Wadleigh, eighty dollars; to Sarah E. Currier, widow of John F. Currier, eighty dollars.

John B. Morrill.

John B. Mans-
field.

William N. Hoyt.

George A. Morrill.

Daniel M. Curtis.

A. I. Wadleigh.

S. E. Currier.

The sum appropriated in chapter three hundred and fifty-four of the acts of the year eighteen hundred and sixty-seven is hereby re-appropriated.

For the compensation of senators, a sum not exceeding twenty thousand five hundred dollars, which shall be allowed and paid, to be in addition to a former appropriation. Pay of senators.

For the compensation of representatives, a sum not exceeding one hundred and twenty thousand five hundred dollars, in addition, to be allowed and paid. Pay of representatives.

For the compensation of Benjamin C. Dean, assistant-clerk of the senate, and William A. Crafts, assistant-clerk of the house of representatives, each the sum of seven hundred and fifty dollars for their services at the present session of the legislature, to be allowed and paid. Assistant-clerks of senate and house of representatives.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding ten thousand four hundred dollars, to be allowed and paid, in addition. Door-keepers, messengers, &c.

For the chaplains of the senate and house of representatives four hundred dollars, in addition, to be allowed and paid. Chaplains.

For the compensation of the lieutenant-governor and council, a sum not exceeding four thousand dollars, in addition, to be allowed and paid. Lieutenant governor and council.

There shall be allowed and paid the sum of twenty-five hundred dollars to the temporary asylum for discharged female prisoners at Dedham: *provided*, that a like sum shall be realized during the current year by private donations, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before said sum of twenty-five hundred dollars shall be paid from the treasury. The managers of said asylum shall report to the next legislature an account of its receipts and expenditures the current year. Asylum for Discharged Female Prisoners at Dedham. Provide. Managers to report to legislature.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1868.

AN ACT IN ADDITION TO AN "ACT RELATING TO CERTAIN SINKING FUNDS OF THE COMMONWEALTH."

Be it enacted, &c., as follows:

SECTION 1. The first section of the one hundred and sixty-sixth chapter of the acts of the current year, entitled "An Act relating to certain sinking funds of the Commonwealth," shall not be so construed as to prevent the payment from the proceeds of the coast defence scrip, of the appropriation for the protection and preservation of Cape Cod harbor, at Provincetown, contained in the fortieth chapter of the resolves of the current year; but the same shall be paid

Chap. 339

Chap. 166, § 1, of Acts of 1868, construed.

out of the proceeds of said scrip, in pursuance of said resolve.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1868.

Chap. 340 AN ACT TO AMEND AN ACT TO INCORPORATE THE DUXBURY AND COHASSET RAILROAD COMPANY.

Be it enacted, &c., as follows :

Certain towns may take stock in Duxbury and Cohasset R. R.

SECTION 1. The fifth section of the sixty-fifth chapter of the acts of the year eighteen hundred and sixty-seven is hereby so amended that the towns therein named are authorized to subscribe for and hold stock in the Duxbury and Cohasset Railroad Company whenever a majority of the voters of said towns, respectively, present and voting at legal town meetings duly called for that purpose, shall so vote.

Time for locating, &c., extended.

SECTION 2. The time for locating and constructing the Duxbury and Cohasset Railroad is hereby extended two years beyond the time named in said act.

SECTION 3. This act shall take effect upon its passage.

Approved June 10, 1868.

Chap. 341 AN ACT TO AUTHORIZE THE SERGEANT-AT-ARMS TO EMPLOY ADDITIONAL SERVICE IN THE STATE HOUSE.

Be it enacted, &c., as follows :

Engineer at State house.

Salary, &c.

Assistant-watchman and firemen.

The sergeant-at-arms is hereby authorized to appoint an engineer, whose duty it shall be to take charge of the heating and ventilation of the state house, at a salary of fifteen hundred dollars a year, and an assistant-watchman, at a salary of one thousand dollars a year, and not more than two firemen, whose united compensation shall not exceed twelve hundred dollars a year; and the sergeant-at-arms shall be responsible for the fitness and good conduct of the said persons, and he may remove them at his discretion.

Approved June 10, 1868.

Chap. 342 AN ACT TO AUTHORIZE CITIES AND TOWNS TO DISPOSE OF LIQUORS IN THE HANDS OF CITY AND TOWN AGENTS.

Be it enacted, &c., as follows :

Liquors in hands of town agents to be disposed of.

SECTION 1. The mayor and aldermen of the several cities, and the selectmen of the several towns of this Commonwealth, are hereby authorized to dispose of any liquors which may remain in the hands of the several city or town agents of said cities and towns, at the time of the repeal of the eighty-sixth chapter of the General Statutes, to any parties duly licensed to sell and keep the same under the provisions of the one hundred and forty-first chapter of the laws of the year eighteen hundred and sixty-eight, without paying any license therefor.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1868.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 343

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of this Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit :

Appropriations authorized.

In the resolve, chapter forty-nine, relating to the publication of special laws, a sum not exceeding seven thousand dollars.

Special laws.

In the resolve, chapter fifty-two, in favor of the Springfield Home for friendless Women and Children, the sum of two thousand dollars.

Springfield Home for Women and Children.

In the resolve, chapter fifty-four, relating to the purchase of Schouler's History, a sum not exceeding five thousand dollars.

Schouler's History.

In the resolve, chapter fifty-five, in favor of Indian schools in the district of Marshpee, the sum of seventy-five dollars, payable from the income of the Massachusetts school fund.

Indian schools, Marshpee.

In the resolve, chapter fifty-six, in favor of Indian schools at Gay Head, the sum of one hundred and fifty dollars, payable from the income of the Massachusetts school fund.

Indian schools, Gay Head.

In the resolve in favor of Herman Haupt and Company, the sum of fifty-three thousand dollars.

Herman Haupt & Co.

In the resolve in favor of the Museum of Comparative Zoölogy and the trustees of Williams College, the sum of fifty thousand dollars.

Museum of Zoology and Williams College.

In the resolve in favor of the widow and minor child of John H. Brooks, the sum of one thousand dollars.

Widow of John H. Brooks.

In the resolve in favor of the state almshouse at Monson, a sum not exceeding five thousand dollars, payable upon approved vouchers filed with the state auditor.

State almshouse at Monson.

In the resolve in favor of Gershon B. Weston, the sum of one hundred and fifty dollars.

Gershon B. Weston.

In the resolve concerning repairs and improvements of the state house, a sum not exceeding one thousand dollars, for the compensation and expenses of the legislative committee therein authorized.

Repairs, &c., State house. Legislative committees, expenses

In the act relating to the Charles River and Warren Bridges, a sum not exceeding one thousand dollars, for the compensation and expenses of the commissioners therein authorized.

Charles River and Warren Bridges.

For expenses on account of repairs and improvements in and about the state house, a sum not exceeding five thou-

Repairs, State house.

sand seven hundred dollars, in addition to the amount appropriated in chapter one hundred and eighty-four of the acts of the present year.

Justice police
court, Spring-
field.

In the act establishing the salary of the justice of the police court in Springfield, a sum not exceeding five hundred dollars, in addition to the amount heretofore appropriated for the present year.

Militia laws.

For the publication of the militia laws of the Commonwealth, in accordance with the order of the house of representatives, a sum not exceeding three hundred and fifty dollars.

Ventilation, &c.,
senate chamber.

For expenses on account of reseating and ventilating the senate chamber, in accordance with the order of the senate, a sum not exceeding three thousand dollars.

Flagstaffs.

For expenses on account of the removal and erection of flagstaffs, as ordered by the legislature, a sum not exceeding one thousand dollars.

Fuel and lights.

For fuel and lights, a sum not exceeding one thousand five hundred dollars, in addition to the amount heretofore appropriated for the present year.

Contingent ex-
penses, senate
and house.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding one thousand dollars, in addition to the amount heretofore appropriated for the present year, the same to be subject to the restrictions specified in the former appropriation for this purpose.

Engineer, fire-
men and assist-
ant-watchman.

In the act relating to an engineer, firemen and assistant watchman for the state house, a sum not exceeding two thousand six hundred dollars.

Pay of senators.

For the compensation of senators, a sum not exceeding four hundred and ten dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

—of representa-
tives.

For the compensation of representatives, a sum not exceeding two thousand four hundred and ten dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Door-keepers,
messengers, &c.

For the compensation of door-keepers, messengers and pages to the senate and house of representatives, a sum not exceeding nine hundred and eighty-six dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Clerks of senate
and house: jour-
nals.

To the clerks of the senate and house of representatives, for extra services in the preparation of the journals of the two branches for publication, a sum not exceeding four hundred dollars.

For expenses of the legislative committee on prisons, a sum not exceeding one hundred and thirty-six dollars and eighty cents. Committee on prisons.

For the salary of the constable of the Commonwealth, a sum not exceeding two thousand seven hundred and fifty dollars, in addition to the amount heretofore appropriated for the present year. Constable of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1868.

AN ACT IN RELATION TO THE ELECTION OF SPECIAL COMMISSIONERS FOR THE COUNTY OF SUFFOLK, UNDER THE ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Chap. 344

Be it enacted, &c., as follows :

SECTION 1. Chapter three hundred and eighteen of the acts of the current year is hereby so amended that the election of special commissioners for the county of Suffolk under the act to regulate the sale of intoxicating liquors, shall be held on the fourth Wednesday of June of the current year. Special commissioners for Suffolk to be elected in June.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1868.

AN ACT IN ADDITION TO AN ACT IN RELATION TO THE ELECTION AND DUTIES OF OVERSEERS OF THE POOR OF THE CITY OF LYNN.

Chap. 345

Be it enacted, &c., as follows :

The three hundred and eighth chapter of the acts of the current year, entitled An Act in relation to the election and duties of overseers of the poor of the city of Lynn, is hereby amended by inserting after the words "concurrent vote" in the first section, the words "of the two branches of the city council of said city." Chap. 308, Acts of 1863, amended

Approved June 10, 1868.

AN ACT TO PROVIDE FOR THE DISSOLUTION OR DISMEMBERMENT OF FIRE DISTRICTS IN CERTAIN CASES.

Chap. 346

Be it enacted, &c., as follows :

SECTION 1. Fire districts formed of portions of more than one town, may be dissolved in the manner hereinafter provided. Fire districts may be dissolved.

SECTION 2. Seven or more voters in any such district may, at any time, file with the clerk of such district an application in writing, requesting him to call a meeting of such district; and he shall immediately thereupon cause such meeting to be called in the manner prescribed by the thirty-ninth section of the twenty-fourth chapter of the General Statutes; and he shall further set forth in the notification of such meeting, that the same is called to consider the expedi-

Meeting to be called and officers chosen.

ency of dissolving the district. Such meeting shall be organized by the choice of a moderator and clerk.

Property to be divided by a committee of seven voters.

SECTION 3. If a majority of the votes at said meeting shall be in favor of a dissolution of such district, then the property and assets, as well as the debts and liabilities of such district, shall be equitably divided and apportioned between the parts of said district composed of inhabitants of the several towns, in such manner as a committee of seven voters in said district, to be elected by ballot at such meeting, shall agree upon: *provided*, the plan adopted by said committee shall be ratified by said district at a meeting called to consider their report.

Proviso.

If committee cannot agree, county commissioners to decide, &c.

SECTION 4. In case the committee shall be unable to agree upon such division, or their plan fail to be ratified by the district, they shall, within ten days after such inability or failure, notify the county commissioners of the county in which any one of the towns in part composing the fire district is situated, of such disagreement or refusal to ratify, and said commissioners shall forthwith give notice of a time and place to hear and decide the matter in dispute. And said commissioners shall, at said time and place, after hearing such parties as may desire to be heard, make an award in writing upon the whole matter submitted to them.

Part of district comprised in one town may withdraw.

SECTION 5. In case the portion of any fire district composed of parts of several towns, which is comprised in any one town, desires to withdraw from said district, and shall so decide at a meeting of the inhabitants of such town, being legal voters in such district, to be called and warned in the manner provided in the second section of this act, then it shall be lawful for such territorial portion of the district so voting, to withdraw from such district; and they shall be entitled to receive such share of the property of said district, and shall be liable to such portion of the total indebtedness of the same as may be agreed upon between the part of said district so withdrawing and the remainder of the district; and in case no such agreement can be made, then said matters in dispute shall be considered and decided by the county commissioners, in the manner provided in the fourth section of this act.

Division of property.

Approved June 11, 1868.

Chap. 347

AN ACT TO AUTHORIZE RAILROAD CORPORATIONS TO SUBSCRIBE TO THE CAPITAL STOCK OF STEAMSHIP CORPORATIONS DULY CHARTERED BY THE LAWS OF THIS COMMONWEALTH.

Be it enacted, &c., as follows:

Railroad corporations may subscribe five per cent. of capital to steamship stock.

SECTION 1. Any railroad corporation chartered by this Commonwealth shall have authority to subscribe an amount not exceeding five per cent. of its capital stock, to the capital stock of any incorporated line of steamships chartered

under the laws of this Commonwealth for the purpose of carrying freight, passengers and mails, between any port in this Commonwealth and Europe: *provided*, said corporation, Provides. at any legal meeting of its stockholders called for that specific purpose, shall elect so to do; and *provided, further*, that such subscriptions are made within six months from the passage of this act.

SECTION 2. Any railroad company, not acting under the provisions of the first section of this act, may guarantee the bonds of any corporation, authorized to establish a line of steamboats as aforesaid, to an amount not exceeding five per cent. of the capital stock of said railroad company, upon adequate security therefor, or to issue its own bonds to the same amount, bearing interest at the rate of six per centum per annum, and to secure the same by a mortgage of the railroad equipment and franchise of said company. May guarantee bonds of steamship companies.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1868.

AN ACT REQUIRING THE EASTERN RAILROAD COMPANY TO ERECT
A STATION-HOUSE ON CENTRAL SQUARE IN LYNN. Chap. 348

Be it enacted, &c., as follows:

SECTION 1. The Eastern Railroad Company is hereby required to erect a new station-house and to maintain the same on said railroad at the central station on Central Square in Lynn, reasonably commodious for the use of passengers, together with sufficient platforms, and containing a ticket-office and separate apartments for men and women; and said company is hereby authorized to take such land as may be necessary for the erection of said station-house, with proper approaches thereto, under the provisions of the statutes authorizing railroad corporations to take land for the construction of railroads. To erect new station-house, Central Square, Lynn.

SECTION 2. In case of neglect or failure of said corporation to erect such station-house as aforesaid within six months from the passage of this act, the supreme judicial court may, on the application of any twenty-five legal voters in the city of Lynn and notice to said corporation, appoint three commissioners at the expense of said corporation, who shall decide all questions relating thereto, that may arise between the parties; and the said court or any judge thereof shall have full power and authority to make any decisions or pass any orders in the premises that may be suitable, to compel a specific performance of the requirements of this act. May take land, &c.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1868.

Chap. 349

AN ACT CONCERNING THE TAXING OF BANK SHARES.

Be it enacted, &c., as follows:

Shares of stock in banks, owned by non-residents, to be assessed where banks are located.

SECTION 1. All the shares of stock in banks, whether of issue or not, existing by authority of the United States or of this Commonwealth, and located within the Commonwealth, owned by non-residents of this Commonwealth, shall be assessed to the owners thereof in the cities or towns where such banks are located; and not elsewhere, in the assessment of all taxes imposed and levied in such place by the authority of law, at the market value of such shares on the first day of May of the year in which the tax shall be assessed, first deducting therefrom the proportionate part of the value of the real estate belonging to the bank, at the same rate, and no greater, than that at which other moneyed capital in the hands of citizens of such city or town, and subject to taxation, is by law assessed.

Proportionate value of real estate to be first deducted.

Tax to be lien upon shares.

SECTION 2. Any tax so assessed shall constitute a lien upon the shares in respect to which such assessment is made, from the first day of May of the year in which the tax is laid till the tax shall be paid.

Collector may distrain, &c., if tax is not paid.

SECTION 3. If any tax so assessed shall not be paid, the collector or other officer authorized to collect taxes, shall levy the same by distraint or by seizure and sale of the shares in respect of which the tax is assessed, in accordance with the provisions of law for the seizure and sale of shares in the capital stock of corporations existing under authority of this Commonwealth, for non-payment of taxes: *provided*, that said collector shall, ten days at least before making such distraint or seizure, demand the amount of tax due and legal charges, at the usual place of business of said bank, by written or printed demand addressed to the stockholder and given to the cashier or other officer of such bank, upon whom service of legal process against such bank may by law be made, and no other demand shall be necessary.

Proviso.

Shares owned by residents to be taxed as heretofore.

SECTION 4. All shares of stock in the banks aforesaid owned by residents of this Commonwealth, shall be assessed to the owners thereof, as provided in chapter two hundred and forty-two of the acts of the year eighteen hundred and sixty-five: *provided*, that no stock insurance corporation, savings bank, or institution for savings, incorporated under the laws of this state, including the Mercantile Savings Institution, in the city of Boston, otherwise taxed under the laws of this state, shall be taxed for its investments in the shares of national banks within this Commonwealth.

Savings banks and stock insurance companies not to be taxed for shares in national banks.

Shares of non-residents to be omitted from the

SECTION 5. Assessors of any city or town in which any national bank or banking association is located, for the pur-

pose of ascertaining the rate at which taxes shall be assessed, shall omit from the valuation upon which the rate is to be based, the value of all shares held by non-residents of this state, and no tax of any city or town shall be invalidated by reason of any excess of the amount thereof over the amount to be raised in consequence of the provisions of this act.

SECTION 6. It shall be the duty of the assessors to make return to the state treasurer, of the assessment of the shares of non-residents of this state in each bank in their respective cities and towns, within ten days after the assessment of the same; and it shall be the duty of the collector of each city or town to use his best endeavors to collect the taxes so assessed. The treasurer of each town or city shall, on or before the first Monday in December of each year, pay over to the state treasurer the amount of such tax so collected, less the cost of assessing and collecting the same. And the state treasurer may offset amounts due and payable by any city or town to the state, under this act, against amounts due from the state to such town or city.

valuation upon which rate is based.

Assessors to make return of assessments to State treasurer.

Treasurer to pay over to State treasurer tax collected, less cost of collecting, &c.

SECTION 7. This act shall take effect upon its passage, and shall apply to taxes assessed and collected for the present year, in the same manner and to the same effect as if it had been in force on the first day of May. *Approved June 11, 1868.*

When to take effect, &c.

AN ACT SUPPLEMENTAL TO AN ACT IN FURTHER ADDITION TO AN ACT PROVIDING FOR THE MORE SPEEDY COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 350

Be it enacted, &c., as follows:

SECTION 1. The Hoosac tunnel shall be constructed with a width sufficient to permit the construction and use of two railway tracks through the same, and a single track shall be properly laid and ready for use through the tunnel, and the contract under the act to which this is supplementary shall include the construction of the same.

Tunnel to be made wide enough for two tracks.

SECTION 2. The governor and council are hereby authorized to appoint such engineers and superintendents of the work on the Hoosac tunnel as they shall deem expedient and necessary, and fix their compensation.

Engineers to be appointed and compensation fixed by governor and council.

SECTION 3. The sum of two hundred and fifty thousand dollars may be expended prior to October first in meeting expenses under contracts already made, and paying off existing liabilities and prosecuting the work on the tunnel, which sum shall be taken from the appropriation heretofore made for the tunnel, and shall constitute a part of the five millions of dollars authorized in the act to which this act is supplementary.

\$250,000 may be used for expenses under existing contracts; to be deducted from \$5,000,000.

Payments to be made as work progresses.

SECTION 4. The contract shall provide for payments by instalments as the work progresses, in such manner, that not less than twenty per centum of each amount due shall be reserved for a final payment on the completion of the same.

Not more than \$1,000,000 to be paid the present year.

SECTION 5. No more than one million dollars shall be appropriated and paid out of the treasury the present year under this act or the act to which this is supplementary.

SECTION 6. This act shall take effect upon its passage.

Approved June 11, 1868.

Chap. 351

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE COUNTY SEAT OF THE COUNTY OF BERKSHIRE AT PITTSFIELD AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Clerk's office, &c. to continue at Lenox until new court house is built in Pittsfield.

The provisions of chapter three hundred and twenty-five of the acts of the year eighteen hundred and sixty-eight, entitled an Act to establish the county seat of the county of Berkshire at Pittsfield, and for other purposes, is so far amended as that the offices of the clerk of the courts, the register of probate and the county treasurer of the county of Berkshire, and of the register of deeds for the middle district in said county, with the records and documents pertaining to said offices respectively, shall remain in the court house in Lenox until sufficient accommodation is provided for them in the new court house in Pittsfield, anything in the act to which this act is in addition, to the contrary notwithstanding.

Approved June 11, 1868.

Chap. 352

AN ACT TO INCORPORATE THE MAVERICK BRIDGE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Gilbert E. Pierce, Nehemiah Gibson, Samuel Hall, Nathaniel McKay, Charles R. McLean, Jeremiah H. Pote, Abraham S. Foss, their associates and successors, are hereby made a corporation by the name of the Maverick Bridge Company ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes.

Name.

Powers and duties.

May erect bridge from Boston to East Boston.

SECTION 2. The said corporation is hereby empowered and authorized to erect a bridge over the water between the mainland in the city of Boston, and East Boston, and to purchase or otherwise take and hold such real and personal estate as may be proper for that purpose, except that the property of the East Boston Ferry Company and that now used by them, shall not be so taken, unless the said city shall so direct, and shall permit the said ferry company to run their boats between the landings formerly occupied by the People's Ferry Company, free of charge and keeping the

May take property, except, &c.

same in repair; and in that case said East Boston Ferry Company are hereby authorized to run their ferry between said landings.

The capital stock of this company shall not exceed fifteen hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. The said corporation shall be holden to make compensation to any person or corporation whose real estate shall be taken for the uses aforesaid, and if there shall be a difference of opinion as to the value of the same, the said corporation shall pay therefor such damages as shall be estimated by the board of aldermen of the city of Boston, and either party, if dissatisfied with their estimate, may apply to the superior court next to be held within and for the county of Suffolk, after said estimates are made known to them, and thereupon the same proceedings shall be had as in case of estimating and enforcing payment of damages for laying out ways in said city of Boston.

Aldermen to estimate damages for property taken.

Right of appeal to superior court.

SECTION 4. The said corporation shall construct the piers of said bridge of such materials, size, shape, direction and position respecting currents and channels, and the said bridge with a draw at right angles with the channel as near as may be, and with such accommodation for the passage of vessels through the same, as the mayor and aldermen of the said city of Boston, on consultation with the harbor commissioners, shall direct or approve; but substantially in conformity to the single draw plan of T. Willis Pratt, or such improvements as may be made thereon; and in all other respects shall construct the same to the approval of said mayor and aldermen; and shall provide and maintain a suitable steam tug-boat, or such other aids to the passage of vessels through the draw of said bridge, and for other purposes, as the said mayor and aldermen shall from time to time direct.

Bridge to be built under direction of mayor and aldermen, on consultation with harbor commissioners.

SECTION 5. The said corporation shall be allowed to collect and receive such tolls as the said mayor and aldermen shall from time to time determine: *provided, however*, that the rates of toll shall never, without the consent of said corporation, be so much reduced as to reduce the yearly dividends of said company to an amount less than eight per centum on the amount of capital stock actually invested; except that the same may be so reduced by said mayor and aldermen, if in their judgment the public interests shall require it, the said city making up the amount of said deficiency. Such right to collect and receive tolls to commence on the day when the said bridge shall be opened for public use, and to continue for the term of fifty years next thereafter; and at

Tolls to be determined by mayor and aldermen.

Proviso.

—to be collected for fifty years.

the place of receiving said tolls, there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly exhibited thereon.

Accounts to be kept, and subject to inspection of mayor and aldermen.

SECTION 6. The said corporation shall cause to be kept regular books of account in which shall be entered full, true, exact and plain statements of all the expenses of building the said bridge, and of furnishing and equipping the same, and also a true and accurate account annually of all receipts and disbursements on account of the same, and of keeping it open and in order for public travel, which books of account shall be at all times open to the inspection of said mayor and aldermen, or of any committee thereof, and a copy of said accounts shall be made annually in the month of January, and under oath of the president and treasurer of said corporation, to the board of aldermen of said city of Boston, to and including the thirty-first day of December in each year, and a duplicate copy of the same annually filed in the office of the secretary of the Commonwealth.

—to be presented annually to aldermen and the secretary of the Commonwealth.

Bridge to be free after the cost of bridge has been re-imbursed to corporation.

SECTION 7. Whenever the receipts of said corporation have re-imbursed to said corporation the moneys expended by them in the construction of said bridge, its furnishings and equipments, and in keeping the same in good repair and condition, with interest on said expenditures at the rate of eight per cent. per annum, the said corporation shall thereupon immediately in writing notify the said board of aldermen of said city of that fact, and shall thereupon offer the said bridge, its furnishing and equipments, to be surrendered to the said city of Boston, to be, and if accepted by the said city the same shall be, forever thereafter maintained as a free bridge by the said city at the public expense.

City may take franchise and build free bridge.

SECTION 8. The said city of Boston is hereby authorized, if they shall so elect and determine, by a majority vote of the two branches of the city council, in concurrence, to assume and take the franchise granted by this act, with all the rights and privileges belonging to the same, and shall thereupon proceed forthwith to construct the said bridge as a free bridge, at its own expense, and for that purpose shall have authority to issue from time to time coupon bonds, notes, scrip, or certificates of debt, as said city council shall, by majority vote thereof, fix and determine.

—may make bridge free by paying cost of same and eight per cent. interest.

SECTION 9. The said city of Boston, by a vote of the city council, as aforesaid, may at any time during the continuance of this charter, purchase and take of said company the said bridge and all the franchise, rights, privileges and property of the said company by paying or offering to pay them therefor

such sum as will re-imburse them the amount of moneys expended by them in and upon said bridge, its furnishings, equipments, and repair, as aforesaid, with eight per cent. interest thereon, and less the net profits of said corporation from tolls, as aforesaid, and for that purpose shall have authority to issue, from time to time, bonds, notes, scrip, or certificates of debt, as herein before provided; and upon such payment, or offer of payment, the said corporation shall forthwith, by proper instruments of title, surrender and convey to the said city the said bridge, with all the franchise, rights, privileges and property to the same appertaining, and the said bridge shall thereafter be maintained and kept by said city as a free bridge, at the public expense, as aforesaid.

—may issue scrip, &c.

SECTION 10. The said city of Boston, by a vote of the city council, as aforesaid, may assume and take, or purchase of said company, the said bridge and other property, as herein before provided, and have and exercise all the rights, powers and authority given to said company by this act, and subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the said city council shall from time to time ordain, appoint and direct; and shall have a right to collect and receive the same rates of toll as are allowed by the fourth section of this act to said company: *provided*, that whenever from the tolls collected on said bridge, or from other sources, the said city shall be fully re-imbursed for all outlays and expenditures on account of said bridge, and the operation of the same, then the tolls on said bridge shall cease, and the said bridge shall ever after be maintained by said city as a free bridge.

— may take bridge and collect tolls, &c.

Provide.

SECTION 11. If said corporation or said city, as the case may be, shall neglect for the space of five years to build and finish the said bridge, then this act shall be void.

Act void unless built in five years.

SECTION 12. Whenever two hundred thousand dollars of said capital stock has been actually paid in in cash, the said corporation may issue its bonds for an amount not exceeding the residue of its capital stock, at a rate of interest not exceeding eight per centum per annum, and not exceeding fifty years to their maturity, and secure the same by a mortgage of the said bridge, furnishings and equipments, and of the franchise and privileges thereto appertaining.

Bonds, how and when may be issued.

SECTION 13. When the said bridge company shall have built the said bridge, they shall offer, in writing, to purchase of the East Boston Ferry Company the boats, with their appurtenances, then in use by them for ferry purposes; and

Company to purchase boats, &c., of East Boston Ferry Co. when bridge is completed.

Commissioners to fix terms if parties disagree.

Ferry to be run by bridge company.

Money to be paid within ninety days of award.

in case the two parties fail to agree upon the terms of said purchase, the supreme judicial court, in term time or vacation, shall, on the application of either party, appoint three commissioners to appraise the same at their fair valuation for ferry purposes, and shall fix the terms of purchase thereof; and if the same shall be accepted by said ferry company, they shall thereupon cease to run and maintain a ferry between said Boston and East Boston, and the same shall thereafter be run by said bridge company, with all the rights and privileges now had and enjoyed by the said East Boston Ferry Company; but if the said ferry company shall refuse to sell as aforesaid, the said bridge company shall be held to no further obligations hereunder. And if said bridge company shall fail to pay to said East Boston Ferry Company the amount awarded by said commissioners within ninety days after their award shall have been accepted by the said court, then this act shall be void.

SECTION 14. This act shall take effect upon its passage.

[*Passed in concurrence on the eleventh of June by the Senate and House of Representatives in the manner prescribed by the constitution, upon being returned by the Governor with his objections and without approval.*]

Chap. 353

AN ACT CONCERNING THE EAST BOSTON FERRY COMPANY.

Be it enacted, &c., as follows:

May run boats formerly owned by People's Ferry Company.

Subject to consent of aldermen.

Maverick Bridge Co. not prevented from taking landings, &c.

No claims for damages for easement, &c.

SECTION 1. The East Boston Ferry Company is hereby authorized to run ferry boats to and from the landings on the main land in Boston and on the island of East Boston, formerly owned by the People's Ferry Company, and now owned by the city of Boston: *provided*, the consent of the board of aldermen of said city be first obtained, and only during the continuance of such consent or any renewal thereof; and *provided, also*, that nothing herein contained shall prevent the Maverick Bridge Company from taking said landings, with their appurtenances, under the provisions of their act of incorporation, and that in the event of their so taking them, neither the said East Boston Ferry Company, their successors or assigns, nor those running a ferry between said landings, shall have any claim for damages therefor, or for any estate, or easement in said landings, or the property formerly used or occupied by said People's Ferry Company.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1868.

AN ACT SUPPLEMENTARY TO AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES. *Chap. 354*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of this Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, to wit:

Appropriations
authorized.

For the compensation of senators, a sum not exceeding twelve hundred and thirty dollars, which shall be allowed and paid, in addition to the amounts heretofore appropriated.

Pay of senators.

For the compensation of representatives, a sum not exceeding seven thousand two hundred and thirty dollars, which shall be allowed and paid, in addition to the amounts heretofore appropriated.

—representatives

For the compensation of door-keepers, messengers and pages to the senate and house of representatives, a sum not exceeding seven hundred and five dollars, which shall be allowed and paid, in addition to the amounts heretofore appropriated.

Door-keepers,
&c.

For expenses of the legislative committee on improvements in Boston harbor and the Commonwealth's flats therein, a sum not exceeding three hundred dollars.

Committee on
Boston harbor.

To the widow of James Capen, a sum not exceeding thirty dollars, which shall be allowed and paid, in addition to the amount heretofore appropriated.

James Capen.

For the compensation of the chaplains of the senate and house of representatives, a sum not exceeding thirty dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Chaplains.

For the compensation of the assistant-clerks of the senate and house of representatives, a sum not exceeding thirty dollars each, which shall be allowed and paid, in addition to the appropriation heretofore made.

Assistant-clerks
of senate and
house.

For the compensation of the lieutenant-governor and executive council, a sum not exceeding three hundred dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Lieutenant-gov-
ernor and coun-
cil.

SECTION 2. This act shall take effect upon its passage:

Approved June 12, 1868.

Chap. 355 AN ACT REPEALING A PART OF THE EIGHTY-SEVENTH CHAPTER OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-TWO.

Be it enacted, &c., as follows :

Chap. 87, Acts of
1862, amended.

SECTION 1. So much of chapter eighty-seven of the acts of the year eighteen hundred and fifty-two, entitled "An Act authorizing the Hartford and New Haven Railroad Company to increase their capital stock," as authorizes said company to make any lawful contract and merge or make joint stock with any other railroad company without the limits of this Commonwealth, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

[Passed in concurrence on the twelfth of June by the Senate and House of Representatives in the manner prescribed by the constitution, upon being returned by the Governor with his objections and without approval.]

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Chap. 1.

Resolved, That the treasurer and receiver-general be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may, from time to time, be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rate of interest as shall be found necessary; and that he repay any sum he may borrow as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Treasurer may borrow money to meet ordinary demands upon treasury.

Approved February 17, 1868.

RESOLVE IN FAVOR OF ELIZABETH J. SAWYER.

Chap. 2.

Resolved, That for reasons set forth in the petition of Elizabeth J. Sawyer, of Boston, there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of seventy-two dollars, for state aid, and that on and after the first day of February, in the year eighteen hundred and sixty-eight, said petitioner be taken and deemed to be entitled to receive the same amount of state aid as if she was a widowed mother.

Allowance of \$72 for State aid.

After Feb. 1, '68, how entitled to aid.

Approved February 17, 1868.

RESOLVE IN REGARD TO ALTERATIONS IN THE STATE HOUSE.

Chap. 3.

Resolved, That the sergeant-at-arms be instructed to cause a door-way to be opened from the room now occupied by the president of the senate, to the colonnade in front of the state house; also, a door-way to be opened from the room now occupied by the clerk of the senate, to the room now occupied by the secretary of the board of education, and that the latter room be fitted up for the use of the president of the senate; also, a door-way be opened in the centre of the room west of the library, and that said room be fitted up for the use of the secretary of the board of education.

Sergeant-at-arms to make certain alterations in the State house.

Approved February 20, 1868.

Chap. 4.

Allowance of
\$63.

RESOLVE IN FAVOR OF INCREASE N. EMERTON.

Resolved, For reasons set forth in the petition of Increase N. Emerton, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of fifty-two dollars.

Approved February 21, 1868.

Chap. 5.

Allowance of
\$100 bounty.

RESOLVE IN FAVOR OF JAMES KANE.

Resolved, For reasons set forth in the petition of James Kane, that there be allowed, and paid out of the treasury of the Commonwealth to said petitioner, the sum of one hundred dollars, for state bounty.

Approved February 25, 1868.

Chap. 6.

Allowance for
State aid.

RESOLVE IN FAVOR OF LEWIS A. HORTON.

Resolved, That for reasons set forth in the petition of Lewis A. Horton, said petitioner be taken and deemed to be entitled to receive state aid, on account of his child born on the nineteenth day of June, in the year one thousand eight hundred and sixty-seven; said payment to commence from the passage of this resolve.

Approved March 3, 1868.

Chap. 7.

\$3.50 a week allowed for board for insane paupers.

RESOLVE IN RELATION TO THE SUPPORT OF STATE LUNATIC PAUPERS.

Resolved, That there be allowed and paid to the several lunatic hospitals for the board of insane state paupers, for the current year, a sum not exceeding three dollars and fifty cents per week, for each of said paupers.

Approved March 6, 1868.

Chap. 8.

Governor may issue arms, &c., to agricultural college.

RESOLVE IN RELATION TO THE ISSUE OF ARMS TO THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Resolved, That his excellency the governor be authorized to issue to the president and trustees of the Massachusetts agricultural college, such arms and equipments, for the use of that institution, as in his judgment may be so distributed without detriment to the militia service: *provided*, the said president and trustees shall be held personally responsible for the same.

Approved March 11, 1868.

Chap. 9.

Allowance of
\$4,000 to re-
publish report.

RESOLVES IN RELATION TO THE REPUBLICATION OF THE REPORT ON THE INVERTEBRATE ANIMALS OF MASSACHUSETTS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, an amount not exceeding four thousand dollars, in addition to the sums appropriated by chapter thirty-two of the resolves of the year eighteen hundred and sixty-seven, for the purpose of completing the republication of the report on the invertebrate animals of Massachusetts authorized by said resolve.

Distribution pre-
scribed.

Resolved, That in addition to the distribution of the copies of said report, provided for in the resolve aforesaid, every

member of the present legislature, who was not also a member of the legislature of the year eighteen hundred and sixty-seven, shall be entitled to one copy; that one copy each shall be furnished to the secretary, treasurer, auditor, attorney-general, adjutant-general, quartermaster-general, surgeon-general, deputy tax-commissioner, insurance commissioner, bank commissioner, the secretary and general agent of the board of state charities, and the secretaries of the boards of education and agriculture; and that the remainder of the edition authorized to be printed, be placed in the state library, to be distributed under the direction of the trustees, to individuals or public institutions, at their discretion.

Approved March 16, 1868.

RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Chap. 10.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of twenty-five hundred dollars to the disabled soldiers' employment bureau; and the same is hereby appropriated. *Approved March 16, 1868.*

Allowance of \$2,500.

RESOLVE IN FAVOR OF JOHN MCINTIRE AND WIFE.

Chap. 11.

Resolved, That for reasons set forth in the petition of John McIntire, there be allowed and paid from the treasury of the Commonwealth, to the petitioner and his wife, the sum of eight dollars a month, for state aid.

Eight dollars a month for State aid.

Approved March 20, 1868.

RESOLVE IN AID OF THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND, TO MEET ITS CURRENT EXPENSES.

Chap. 12.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of nine thousand dollars to the Perkins institution and Massachusetts asylum for the blind, to meet the current expenses of that institution, in addition to the amount already appropriated.

\$9,000 for expenses.

Approved March 30, 1868.

RESOLVE IN FAVOR OF ANDREW FALVEY.

Chap. 13.

Resolved, That for reasons set forth in the petition of Andrew Falvey, of Marblehead, there be allowed, and paid from the treasury of the Commonwealth, the sum of seventy-two dollars for state aid; and that on and after the first day of May, in the year one thousand eight hundred and sixty-eight, said petitioner shall be taken and deemed entitled to receive state aid, as provided in chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, entitled "An Act concerning state aid for disabled soldiers and sailors, and their families, and for the families of the slain."

Allowance of \$72 for State aid.

Approved March 30, 1868.

Chap. 14. RESOLVE IN FAVOR OF THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

\$15,000 for building purposes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the Perkins institution and Massachusetts asylum for the blind, and the same is hereby appropriated, the sum of fifteen thousand dollars for building purposes, including the erection of a workshop and laundry, and for the introduction therein of steam for motive power and for heating purposes: *provided*, that an equal sum be secured for the purpose from private donations, and that no part of said appropriation shall be paid out of the treasury, until the said private donations have been paid.

Proviso.

Approved March 30, 1868.

Chap. 15.

\$225 for rent of armory.

RESOLVE IN FAVOR OF THE TOWN OF WOBURN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Woburn, the sum of two hundred and twenty-five dollars, being the amount paid by said town for rent of an armory for the use of company G, fifth regiment Massachusetts volunteer militia, for the year ending December thirty-first, eighteen hundred and sixty-seven.

Approved April 1, 1868.

Chap. 16.

Allowance of \$50.

RESOLVE IN FAVOR OF ISAAC H. JACOY.

Resolved, That there be allowed and paid to Isaac H. Jacoy, out of the treasury of the Commonwealth, the sum of fifty dollars.

Approved April 1, 1868.

Chap. 17.

Allowance of \$239.

RESOLVE IN FAVOR OF WILLIAM GUNN.

Resolved, For reasons set forth in the petition of William Gunn, of Springfield, there be allowed and paid out of the treasury of the Commonwealth, to said William Gunn, the sum of two hundred and eighty-nine dollars.

Approved April 9, 1868.

Chap. 18. RESOLVE ON THE PETITION OF BENJAMIN JAMES AND ALPHEUS M. STETSON.

Deed of Benjamin Dodd to Wm. A. Rea confirmed.

Resolved, For the reasons in said petition set forth, that the deed of release and quitclaim from Benjamin Dodd, as the guardian of Mary Keefe, an insane person, to William A. Rea, bearing date the third day of May, in the year eighteen hundred and fifty-two, and recorded with Suffolk deeds, *liber* six hundred and thirty-two, folio six, releasing and quitclaiming to said Rea, his heirs and assigns, the estate therein described, be and the same is hereby ratified and confirmed so as to be effective as a valid conveyance to the said Rea, his heirs and assigns, at the time of the execution and delivery thereof of all said Mary Keefe's interest in

and title to said estate; and that all and singular the titles now held to said estate, or any part thereof, which are derived by mesne conveyances or otherwise from any deed of the said Rea, or from any conveyance of John Lowell, as the administrator, with the will annexed, of the said Rea, be and they are hereby made and declared to be valid and effectual, to all intents and purposes, as fully as if the said deed of quitclaim of said Dodd to said Rea had at the time of the execution and delivery thereof, conveyed to said Rea in fee all the title which the said Mary Keefe then had in and to said estate.

Deeds of John Lowell, administrator, declared valid, &c.

Approved April 9, 1868.

RESOLVE IN FAVOR OF COMPANY B, SIXTH REGIMENT MASSACHUSETTS VOLUNTEER MILITIA.

Chap. 19.

Resolved, That the officers and soldiers of company B, sixth regiment Massachusetts volunteer militia who, on the last Wednesday in May, in the year eighteen hundred and sixty-five, performed the duty required by the statute for drill, and inspection, shall receive compensation therefor at the rates provided for fall encampment, in section one hundred and forty-five of chapter two hundred and thirty-eight, of the acts of the year eighteen hundred and sixty-four: *provided*, that no compensation shall be paid to any able-bodied officer or soldier who, at his own request, was discharged from service in said company previous to January first, in the year eighteen hundred and sixty-seven.

Allowance for duty on last Wednesday in May, 1865.

Proviso.

Returns to the adjutant-general, of the performance of the said duty, and the mode of payment for the same, shall be made in the manner then prescribed by law for May inspection.

Returns to be made.

Approved April 9, 1868.

RESOLVES IN RELATION TO THE SOLDIERS' NATIONAL CEMETERIES AT GETTYSBURG AND ANTIETAM.

Chap. 20.

Whereas, By an act entitled "An Act to establish and protect national cemeteries," approved February twenty-second, in the year one thousand eight hundred and sixty-seven, congress has adopted a uniform system for the management and care of all the soldiers' national cemeteries throughout the United States, and made provisions for their maintenance: therefore,

Soldiers' national cemeteries.

Resolved, That the Commonwealth of Massachusetts respectfully requests of the state of Pennsylvania the passage of an act empowering the board of commissioners having charge of the soldiers' national cemetery at Gettysburg to transfer all the right, title, interest and care of said soldiers' national cemetery to the United States of America, upon the completion of the same.

Pennsylvania.

Maryland.

Resolved, That in like manner the Commonwealth of Massachusetts requests of the state of Maryland the passage of an act empowering the board of trustees having charge of the Antietam national cemetery at Sharpsburg, to transfer all the right, title, interest and care of said Antietam national cemetery to the United States of America, upon the completion of the same.

Resolved, That the governor be requested to communicate these resolves to the governors of the states of Pennsylvania and Maryland respectively.

Approved April 10, 1868.

Chap. 21.

RESOLVE IN FAVOR OF MARY ANN NOLAN, GUARDIAN.

Allowance of
\$75.

Resolved, That for reasons set forth in the petition of Mary Ann Nolan, guardian of Katy Nolan and Robert Nolan, there be allowed and paid out of the treasury of the Commonwealth, to the said Mary Ann Nolan, guardian as aforesaid, for the benefit of the said Robert Nolan, the sum of seventy-five dollars.

Approved April 10, 1868.

Chap. 22.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance of
\$5,000.

Resolved, That the sum of five thousand dollars be allowed and paid from the treasury of the Commonwealth, to the Massachusetts charitable eye and ear infirmary, to be expended under the direction of the trustees thereof for the charitable purposes of said infirmary during the present year; and said trustees shall furnish to the board of state charities a detailed account of the manner in which this appropriation has been expended, as soon as practicable.

Approved April 21, 1868.

Trustees to furnish account of expenditures.

Chap. 23.

RESOLVE IN RELATION TO THE STATE ALMSHOUSE AT TEWKSBURY.

Allowance of
\$6,000 for protection from
fire.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of six thousand dollars, to the inspectors of the state almshouse at Tewksbury, to be expended in the erection of cisterns and reservoirs, and the purchase of a steam-pump, hydrants, and other necessary appurtenances, for the better protection of said almshouse from fire.

Approved April 21, 1868.

Chap. 24.

RESOLVE IN FAVOR OF THE INDUSTRIAL SCHOOL FOR GIRLS.

Allowance of
\$1,500 for purchase of land.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the industrial school for girls at Lancaster, a sum not exceeding fifteen hundred dollars, for the purchase of land for the use of said institution.

Approved April 21, 1868.

RESOLVE TO AUTHORIZE THE TOWN OF MEDFORD TO PAY CERTAIN BOUNTIES.**Chap. 25.**

Resolved, That the town of Medford is hereby authorized to pay the sum of one hundred and twenty-five dollars to Stillman Rich and William Cheney, respectively, the same being for military bounty.

Medford may pay military bounties

*Approved April 21, 1868.***RESOLVE AUTHORIZING THE PURCHASE OF LAND FOR THE STATE ALMSHOUSE AT TEWKSBURY.****Chap. 26.**

Resolved, That the inspectors of the state almshouse at Tewksbury be authorized to purchase land adjoining the lands of that institution and for the use of the same, at a price not exceeding seventy-five dollars per acre, the whole expenditure not to exceed five thousand dollars.

Land may be bought not exceeding \$75 per acre.

*Approved April 22, 1868.***RESOLVE IN FAVOR OF THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN.****Chap. 27.**

Resolved, That there be allowed and paid to the New England hospital for women and children, the sum of one thousand dollars, for the purpose of aiding to defray the expenses of those patients in their hospital, who are unable to defray their own expenses: *provided*, that the board of state charities shall have power to visit said hospital, for the purpose of examining into any cases of pauperism; and the board of state charities shall use all reasonable care to collect the cost of temporary support from parties justly chargeable with the same, whenever they can be ascertained, and to remove those not born or not having a settlement in this state.

Allowance of \$1,000 to assist poor patients.

Duties of board of state charities.

*Approved April 29, 1868.***RESOLVE IN FAVOR OF LOA N. PEABODY.****Chap. 28.**

Resolved, That there be allowed and paid to Loa N. Peabody the sum of one hundred dollars for state aid, in addition to what she receives under the provisions of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six.

Allowance of \$100 for State aid.

*Approved April 29, 1868.***RESOLVE IN FAVOR OF DORA S. FOSTER.****Chap. 29.**

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Dora S. Foster, of Boston, widow of Captain Daniel Foster, the sum of two hundred and sixteen dollars for state aid; and that on and after the first day of April, eighteen hundred and sixty-eight, said Dora S. Foster be taken and deemed to be entitled to receive the same amount of state aid that she would have been entitled to receive had her husband been credited to the quota of Massachusetts.

Allowance of \$216 for State aid.

How entitled to aid after April 1, 1868.

Approved April 29, 1868.

Chap. 30. RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Allowance of
\$50,000 for
buildings.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Massachusetts agricultural college, the sum of fifty thousand dollars, for the erection of buildings with necessary appurtenances, to provide for an additional number of students in said college; and the same is hereby appropriated.

Approved May 1, 1868.

Chap. 31. RESOLVE GRANTING TAXES TO THE SEVERAL COUNTIES.

County taxes.

Resolved, That the sums placed against the names of the several counties in the following schedule, be and are hereby granted as a tax for each county respectively, to be collected and applied according to law viz.:

Barnstable, eleven thousand dollars; Berkshire, twenty-seven thousand dollars; Bristol, sixty-five thousand dollars; Essex, one hundred and fifteen thousand dollars; Dukes County, four thousand dollars; Franklin, twenty thousand dollars; Middlesex, one hundred and forty-five thousand dollars; Hampshire, twenty-five thousand dollars; Hampden, thirty-two thousand dollars; Norfolk, sixty thousand dollars; Plymouth, thirty-three thousand dollars; Worcester, seventy-five thousand dollars.

Approved May 4, 1868.

Chap. 32. RESOLVE IN FAVOR OF BARNARD C. MARCHANT, GUARDIAN OF CERTAIN INDIANS IN DUKES COUNTY.

Allowance of
\$200 for Christian-
town In-
dians.

Resolved, That for reasons set forth in the petition of Barnard C. Marchant, guardian of the Christiantown and Chappequiddic tribes of Indians there be allowed and paid out of the treasury of the Commonwealth, to said guardian, the sum of two hundred dollars, or so much thereof as may be necessary for the support of certain members of the Christiantown tribe, mentioned in said petition: also, that there be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, to the guardian of said tribes, the sum of one hundred and four dollars, to aid in the support of schools among the said Indians, for the year eighteen hundred and sixty-eight. And the said guardian shall, on or before the first day of October next, make a report to the board of education, in relation to the expenditure of said money for schools and of the condition of the schools.

Approved May 4, 1868.

Chap. 33. RESOLVE CONCERNING IMPROVEMENTS AT THE STATE PRISON.

\$8,200 for im-
provements and
repairs.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eight thousand two hundred dollars, for the purposes of making

improvements in the iron doors to the cells of a portion of the state prison, of opening an additional passage to the chapel, and for repairing the floors of the office in the ante-room; said improvements and expenditures to be made under the direction of the governor and council, and all payments to be made upon properly approved vouchers, filed with the auditor.

Approved May 4, 1868.

RESOLVE IN FAVOR OF THE TOWN OF EDGARTOWN.

Resolved, That for reasons set forth in the petition of the selectmen of the town of Edgartown, there be allowed and paid out of the treasury of the Commonwealth to said town, the sum of twenty-nine dollars and fifty cents.

Approved May 4, 1868.

Chap. 34.

Allowance of \$29.50 to Edgartown.

RESOLVE IN FAVOR OF ABIAH THOMAS.

Resolved, For reasons set forth in the petition of Abiah Thomas, that there be allowed and paid out of the treasury of the Commonwealth, to David R. Greene of the city of New Bedford, for the benefit of Abiah Thomas for the support of *Jemima Easton*, an Indian of the Deep Bottom tribe, residing in said city, the sum of two hundred and twenty dollars.

Approved May 4, 1868.

Chap. 35.

Allowance of \$220 for support of *Jemima Easton*.

RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Punkapog tribe of Indians, for the benefit of the following members of said tribe, the following sums, to wit: For Sally Burr, of Cambridge, the sum of one hundred dollars; for Sally Burr, of Boston, and her son James Burr, the sum of one hundred dollars; for Rebecca Davis, of Boston, the sum of one hundred dollars; for Charlotte E. Myers, the sum of one hundred and fifty dollars; for Polly Crowd, the sum of one hundred and two dollars; for Isaac Williams, the sum of one hundred and two dollars. Chapter six of the resolves of the year eighteen hundred and forty-five, chapter thirteen of the resolves of the year eighteen hundred and forty-six, and chapter fifteen of the resolves of the year eighteen hundred and fifty-three, are hereby repealed.

Approved May 5, 1868.

Chap. 36.

Allowance for benefit of sundry members of the tribe.

Repeal.

RESOLVE IN RELATION TO A STATUE OF THE LATE JOHN A. ANDREW.

Resolved, That full consent and permission upon the part of the Commonwealth is hereby given to the application of Jacob Bigelow, William Gray, F. W. Lincoln, junior, Otis

Chap. 37.

Statue of John A. Andrew.

Norcross, William Amory, Samuel H. Walley, Francis Bacon and W. W. Clapp, to place a statue of the late John A. Andrew in a niche in the north-west corner of the doric hall of the state house.

Approved May 6, 1868.

Chap. 38.

Allowance of
\$325 for mili-
tary bounty.

RESOLVE IN FAVOR OF JOHN MURPHY.

Resolved, That for reasons set forth in the petition of John Murphy, there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of three hundred and twenty-five dollars for state bounty.

Approved May 6, 1868.

Chap. 39.

Allowance of
\$40,000.

RESOLVE IN FAVOR OF THE MOUNT HOLYOKE FEMALE SEMINARY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Mount Holyoke Female Seminary, at South Hadley, the sum of forty thousand dollars.

Approved May 14, 1868.

Chap. 40.

Allowance of
\$50,000.

RESOLVE CONCERNING CAPE COD HARBOR AT PROVINCETOWN.

Resolved, That there be allowed and paid out of the coast defence fund, a sum not exceeding fifty thousand dollars, in addition to the sum appropriated in the eighty-sixth chapter of the resolves of the year eighteen hundred and sixty-seven, and the same is hereby appropriated, to be expended agreeably to the provisions of said resolve.

Approved May 19, 1868.

Chap. 41.

Judge of probate
for Suffolk may
appoint trustee
to sell real estate
conveyed by deed
of Sarah B. Hunt-
ing and others.

RESOLVE ON THE PETITION OF LYDIA BARROWS AND ANOTHER.

Resolved, For reasons set forth in the petition of Lydia Barrows and Horace Granville Barrows, that the judge of probate for the county of Suffolk, be and hereby is authorized and empowered to appoint some suitable person as trustee to sell and convey, at private sale, and to execute all necessary deeds and instruments to convey in fee simple to the Boston and Albany Railroad Company, certain real estate situate in the southerly part of the city of Boston, in said county of Suffolk, on the north side of a street called Orange Street, which said estate was conveyed by the deed of Sarah B. Hunting and others, dated November twenty-seven, in the year eighteen hundred and fifty-seven, recorded in the Suffolk registry of deeds, libro seven hundred and twenty-eight, folio ninety-nine, whereto reference may be had; and to re-invest the proceeds thereof in other real estate in said Boston, to be subject to the same uses and ultimate disposal as is provided in the last will and testament of Rufus L. Barrus, of said Boston, physician, deceased, respecting certain real estate situate in the northerly part of the city of Boston, in said county of Suffolk, on a street

called Bennett Street, which said last-mentioned real estate was devised and bequeathed by said last will and testament to Lydia Barrows during her life or widowhood; then to Horace Granville Barrows during his life; and then to the heirs of the said Horace Granville in fee simple; said property being described in said will recorded in the probate office in said county of Suffolk, the same having been sold and the proceeds thereof re-invested in said first-mentioned real estate, under and in accordance with a resolve entitled "Resolve on the petition of Lydia Barrows and another," and approved on the fourth day of May, in the year eighteen hundred and fifty-seven: *provided*, that said trustee shall first give a bond to the judge of probate for said county of Suffolk, with surety or sureties satisfactory to said judge of probate, that he will faithfully execute the powers hereby given to him, to wit: to sell and re-invest as aforesaid.

Trustee to give bond.

Approved May 19, 1868.

RESOLVE IN FAVOR OF GIDEON HAYNES.

Chap. 42.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Gideon Haynes, warden of the state prison, such sum, not exceeding six hundred dollars, as the governor and council shall determine, for services rendered in the enlargement of the state prison, under chapter eight of the resolves of the year eighteen hundred and sixty-seven.

Allowance of \$600 for services.

Approved May 19, 1868.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

Chap. 43.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Massachusetts school for idiotic and feeble-minded youth, the further sum of six thousand dollars, to meet the necessary current expenses of that institution; and for the purpose of adding an infirmary, workshop, and other additional accommodations to said institution, the sum of nine thousand dollars, said last-named amount to be paid upon properly approved vouchers, and to be in addition to the amount appropriated for an infirmary by resolve, chapter thirty-one, of the year one thousand eight hundred and sixty-seven.

\$6,000 for current expenses.

\$9,000 for infirmary and workshop.

Approved May 19, 1868.

RESOLVE AUTHORIZING THE COMMISSIONERS OF THE COUNTY OF WORCESTER TO BORROW MONEY.

Chap. 44.

Resolved, That the commissioners of the county of Worcester are hereby authorized to borrow, on the credit of said county, a sum of money not exceeding ninety thousand dollars, to be expended in building a court house at Fitchburg.

\$90,000 for court house in Fitchburg.

Approved May 25, 1868.

Chap. 45. RESOLVE IN FAVOR OF THE DISCHARGED SOLDIERS' HOME.

Allowance of
\$15,000.

Payments to be
made as applied
for.

Surgeon-general
to be trustee and
to visit the
home, &c.

Report to be
made to legis-
lature in Janu-
ary next.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the discharged soldiers' home, located in Springfield Street, in the city of Boston, to be expended by the directors of the institution in temporarily caring for and aiding disabled and destitute soldiers who have been honorably discharged from the service of the United States, a sum not exceeding fifteen thousand dollars; said payment to be made from time to time, in such sums as may be applied for by the president and two vice-presidents of said institution: *provided*, that soldiers who have served in Massachusetts regiments shall have the preference in the benefits of the same; and *provided, further*, that the surgeon-general of this Commonwealth shall be, *ex officio*, an additional trustee on the part of the Commonwealth, and shall have the power to admit to and discharge from said soldiers' home; and it is hereby made his official duty to visit said home and examine the condition of the inmates at least once in four weeks.

The officers of this institution shall report to the legislature, in the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total expenses of the institution, and the number of persons admitted and relieved during the year.

Approved May 25, 1868.

Chap. 46. RESOLVE CONCERNING UNIFORMS FURNISHED THE NINTH REGIMENT MASSACHUSETTS VOLUNTEERS IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE.

State agent at
Washington to
prosecute claim
for uniforms.

Resolved, That the governor request Gardner Tufts, Massachusetts state agent in Washington, to bring to the attention of the secretary of war the payment made by enlisted men of the ninth regiment Massachusetts volunteers, to the general government, for a uniform furnished to them by this Commonwealth in the year eighteen hundred and sixty-one, and if it shall be found that the men ought not to have paid for it, means be taken to have the money repaid to the men or to their legal heirs.

Approved May 25, 1868.

Chap. 47. RESOLVE MAKING AN APPROPRIATION FOR THE PURCHASE FOR THE UNITED STATES OF LAND AT POINT ALDERTON.

Allowance of
\$175 for land
for sea-wall.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Brevet Major-General John G. Foster, the sum of one hundred and seventy-five dollars, to be expended by him in the purchase for the United States of certain land at Point Alderton, required for the construction of a sea-wall, and the same is hereby appropriated.

Approved May 26, 1868.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Chap. 48.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Washingtonian home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates and means for reforming them, the sum of six thousand dollars. The directors shall report to the legislature in the month of January next, a detailed account of the amount contributed by individuals, the total income and expenses of the institution, the number of patients admitted, the average time each remains, the average cost per week of each, the number that pay or contribute towards the expenses of the institution, the amount each pays per week, and the result of their treatment, so far as can be ascertained.

Allowance of
\$6,000.

Report to be
made to the
legislature.

Approved May 27, 1868.

RESOLVES PROVIDING FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS.

Chap. 49.

Resolved, That the special acts of this Commonwealth, passed from the year one thousand eight hundred and sixty, to the year one thousand eight hundred and sixty-five, both years inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the volumes of the special laws heretofore published, and that a full and complete index of the matter contained therein, be appended to said volume.

Special laws to be
published.

Resolved, That two thousand copies of the special laws aforesaid shall be printed, and shall be distributed as follows: One hundred copies for the use of the various offices and committee rooms, and for the two branches of the legislature; two hundred copies for the state library, for duplicates and exchanges; one copy to each city and town in the Commonwealth; one copy to each member of the present legislature; one copy to each public and incorporated library in the Commonwealth, and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost: *provided*, that no copies shall be sold for the purposes of re-sale.

Two thousand
copies to be
printed and
distributed.

Proviso.

Approved June 4, 1868.

RESOLVE AUTHORIZING THE TRUSTEES OF THE NORTHAMPTON LUNATIC HOSPITAL TO EXCHANGE AND CONVEY CERTAIN LAND.

Chap. 50.

Resolved, That for the purpose of straightening the boundary line of land belonging to the Northampton lunatic hospital, and otherwise improving the same, the trustees of said institution be, and they hereby are authorized to exchange with, and convey to Samuel Day, such an amount of land, not exceeding three acres, as they may deem expedient, and receive a conveyance of an equivalent to the Commonwealth.

Boundary line
of land to be
straightened.

Approved June 4, 1868.

Chap. 51. RESOLVE AUTHORIZING THE COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO LAY OUT A ROAD OVER CERTAIN LANDS OF THE COMMONWEALTH.

Highway may be laid out across Commonwealth's lands in Florida.

Resolved, That the commissioners of the county of Berkshire be and hereby are authorized to lay out and construct a highway over and across the lands belonging to the Commonwealth, situate in the town of Florida: *provided*, that the same be located and constructed to the acceptance of the commissioners on the Troy and Greenfield Railroad and Hoosac tunnel.

Approved June 4, 1868.

Chap. 52. RESOLVE IN FAVOR OF THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN.

\$2,000 allowed, upon condition a like amount is raised by private donation.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars, to the Springfield home for friendless women and children: *provided*, that the said institution shall during the current year realize a like sum from private donations, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before said sum of two thousand dollars shall be paid from the treasury. The managers of said home shall report to the next legislature an account of its receipts and expenditures for the current year.

Approved June 4, 1868.

Chap. 53. RESOLVE CONCERNING A FISH-WAY OVER OR AROUND THE DAM AT HOLYOKE, ON THE CONNECTICUT RIVER.

\$12,000 appropriated for fish-way over the dam at Holyoke.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, a sum not exceeding twelve thousand dollars, to be expended under the direction of the commissioners appointed under chapter two hundred and thirty-eight of the acts of eighteen hundred and sixty-six, in the construction of a fish-way over or around the dam at Holyoke, on the Connecticut River, in accordance with the provisions of said chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six.

Approved June 4, 1868.

Chap. 54. RESOLVE TO AUTHORIZE THE PURCHASE AND DISTRIBUTION OF ONE THOUSAND COPIES OF SCHOULEUR'S HISTORY OF "MASSACHUSETTS IN THE REBELLION."

One thousand copies of Schouler's History to be purchased.

Resolved, That the secretary of the Commonwealth be, and he is hereby authorized and directed to purchase one thousand copies of a "History of Massachusetts in the Rebellion," by William Schouler, late adjutant-general, and cause the same to be distributed, or delivered on call, as follows, namely: to the state library, six copies; to each of the cities and towns of the Commonwealth, each incorporated

Distribution.

library association, and the several colleges and societies designated in the second section of chapter three of the General Statutes, except law library societies, one copy; to each officer, member and clerk of the executive, legislative, educational and military departments of the government, and the reporters for the press in regular attendance upon the legislature, severally, for the present year, one copy; to the library of congress, two copies; and to the libraries of the several states and territories of the United States, one copy each. And any remaining volumes of said book shall be in the custody of the secretary, and may be disposed of in such manner as the committee on printing, for the time being, shall approve.

Approved June 6, 1868.

RESOLVE IN FAVOR OF THE MARSHPEE SCHOOLS.

Chap. 55.

Resolved, That the sum of seventy-five dollars be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the present year, to the treasurer of the district of Marshpee, for the support of schools in that district; the same being in addition to the sums now allowed for the support of said schools, and on condition that the inhabitants of that district shall also appropriate and expend for the use of said schools, during the present year, twenty-five dollars in addition to the sum now annually paid by them for that purpose; and the said treasurer shall, on or before the first day of October next, make a report to the board of education in relation to the expenditure of said money and the condition of the schools.

§76 appropriated for schools at Marshpee.

Condition.

Approved June 6, 1868.

RESOLVE IN FAVOR OF SCHOOLS AMONG THE INDIANS OF GAY HEAD.

Chap. 56.

Resolved, That there be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, to the treasurer of the Gay Head district, the sum of one hundred and fifty dollars, to be applied to the support of schools among the Indians of Gay Head during the year eighteen hundred and sixty-eight, and said treasurer shall make a return of the expenditure of said money and the condition of the schools, to the board of education the present year; also that a further sum of fifty dollars be allowed and paid him for the purchase of school books for said schools; and also that the sixty dollars provided for in the General Statutes, chapter thirty-six, section five, be paid to the said treasurer.

§150 appropriated for schools at Gay Head.

Condition.

Approved June 6, 1868.

Chap. 57. RESOLVE CONCERNING THE IMPROVEMENTS AND REPAIRS OF THE STATE HOUSE.

Committee on repairs, &c., at State house, to sit during recess.

Resolved, That a special committee of five members of the house, with such as the senate may join, be appointed, who shall sit during the recess of the legislature, and shall be authorized to investigate all the affairs connected with the repairs and alterations of the state house, with power to examine into all contracts and purchases made therefor, and to send for persons and papers.

Repeal.

Chapter eighty-four of the resolves of the year eighteen hundred and sixty-seven is hereby repealed; but this repeal shall not affect the power or duty of the surviving commissioner to make settlement for work done under said resolve, and it shall be his duty to make a report in writing of his proceedings, and of the expense of the alterations, improvements and repairs in the state house, and of all expenses and payments made under direction of the commissioners in said resolve mentioned, with all payments made to or by them, and of all outstanding, unsettled liabilities and claims on account thereof, on or before the first day of September next, to the committee appointed under authority of this resolve; and said committee shall make a report of their investigations and proceedings to the next general court.

Commissioner to make report to committee.

Committee to report to legislature.

Approved June 8, 1868.

Chap. 58. RESOLVE IN RELATION TO THE RE-ARRANGEMENT OF THE SEATS IN THE REPRESENTATIVES' HALL.

Committee to make changes in the seats in representatives' hall, and to serve without pay.

\$10,000 appropriated.

Resolved, That the speaker of the house of representatives, the sergeant-at-arms and two members of the house, to be appointed by the speaker, shall constitute a commission to serve without pay, to make such change as they may think proper in the arrangement of the seats in the representatives' hall; and a sum not exceeding ten thousand dollars is hereby appropriated to defray the expense of such alterations as may be ordered. For the purposes of this resolve the operation of section twenty-three of chapter two of the General Statutes is hereby suspended. *Approved June 8, 1868.*

Chap. 59. RESOLVE IN FAVOR OF HERMAN HAUPT AND COMPANY.

\$58,000 allowed.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Herman Haupt and Company, the sum of fifty-three thousand dollars, in addition to the sum authorized to be allowed and paid to them by chapter seventy-seven of the resolves of the year eighteen hundred and sixty-seven; such payment to be made upon the terms and conditions contained in said resolve: *provided*, that the amount of said appropriation, together with the amount appropriated under chapter seventy-seven of the resolves of

— to be reimbursed to treasury from Hoosac Tunnel scrip.

the year eighteen hundred and sixty-seven, shall be re-im-bursed to the treasury by issuing scrip for the same as a part of the first issue of scrip, which may be hereafter made in aid of the completion of the Troy and Greenfield Railroad and Hoosac Tunnel; and *provided*, that a receipt in full of all claims of whatever kind or nature on the part of said Herman Haupt and Company be given by said party to the treasurer of the Commonwealth. *Approved June 9, 1868.*

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT MONSON.

Chap. 60.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of five thousand dollars to the inspectors of the state almshouse and primary school, at Monson, for the purpose of purchasing a new boiler and to make necessary repairs on the buildings and fences, and for grading the yards of the institution. *Approved June 9, 1868.*

\$5,000 allowed for repairs, &c., at Monson State Almshouse.

RESOLVE IN FAVOR OF THE WIDOW OF JAMES CAPEN, DECEASED.

Chap. 61.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of eight hundred dollars to the widow of James Capen, deceased, late a member of the house of representatives, for his services the present session; and the same is hereby appropriated.

\$800 to widow of James Capen.

Approved June 10, 1868.

RESOLVE IN FAVOR OF THE WIDOW AND MINOR CHILD OF JOHN H. BROOKS.

Chap. 62.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth one thousand dollars to the widow and minor child of the late John H. Brooks, of West-field, in the county of Hampden. *Approved June 10, 1868.*

\$1,000 to widow and child of John H. Brooks.

RESOLVE IN FAVOR OF GERSHOM B. WESTON.

Chap. 63.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Gershom B. Weston, the sum of one hundred and fifty dollars, to defray the expenses of his sickness while a member of the senate for the present session, and until he is able to return home. *Approved June 10, 1868.*

\$150 for expense of sickness.

RESOLVE IN FAVOR OF THE MUSEUM OF COMPARATIVE ZO-LOGY AND WILLIAMS COLLEGE.

Chap. 64.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the museum of comparative zoology and to the president and trustees of Williams college, each, the sum of seventy-five thousand dollars, to be expended under the direction of the trustees of said institutions respectively: *provided*, that the same shall be payable in yearly instalments of twenty-five thousand dollars to each institution; and *provided, also*, that the instalments as aforesaid shall be

\$75,000 each to Museum of Comparative Zo-ology and Williams College, on condition that like amounts be had by private subscription.

payable as soon as, and not before, a like amount is obtained for the same purpose by private subscription.

Approved June 10, 1868.

Chap. 65. RESOLVE FIXING THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, THE CHAPLAINS, THE MEMBERS OF THE EXECUTIVE COUNCIL, AND OF THE ASSISTANT-CLERKS OF THE LEGISLATURE.

Pay of members and officers of the legislature.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to each of the members of the senate and house of representatives, the sum of five dollars per day, for each day's attendance during the session; to the assistant-clerk of the senate, and the assistant-clerk of the house of representatives, each, the sum of seven hundred and fifty dollars for their services at the present session of the legislature; to the chaplains of the two branches, four hundred dollars each, for the session; to the lieutenant-governor, the sum of ten dollars, and to each of the members of the executive council the sum of five dollars per day, for each day's attendance during the present year. To the clerks of the senate and house of representatives for additional clerical services in preparing the copy of the journals of the two houses, for printing, the sum of two hundred dollars each.

Approved June 10, 1868.

Chap. 66. RESOLVE IN RELATION TO THE COMPENSATION OF THE DOOR-KEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Pay of messengers, &c., of the legislature.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to each of the door-keepers, assistant door-keepers, and messengers of the senate and house of representatives, five dollars per day, and to each of the pages of the two branches, the sum of three dollars and fifty cents per day, for each day's service of the present session, and to the chief door-keeper of the senate and house of representatives, one hundred dollars each, in addition.

Approved June 10, 1868.

Chap. 67. RESOLVE IN ADDITION TO A RESOLVE IN RELATION TO IMPROVEMENTS AND REPAIRS OF THE STATE HOUSE.

\$94,000 allowed for improvements and repairs at State house.

Resolved, That the sum of ninety-four thousand dollars be allowed and paid out of the treasury of the Commonwealth for the payments of the debts already contracted for labor and materials in the improvements and repairs of the state house: *provided*, no bill or claim shall be paid until the same shall have been approved by the committee appointed under a resolve passed at the present session, entitled a resolve concerning the improvements and repairs of the state house; and the same is hereby appropriated.

Approved June 11, 1868.

 The General Court of 1868 passed three hundred and fifty-two Acts and sixty-seven Resolves, which received the approval of the Governor. In addition to these, an Act to repeal chapter 249 of the Acts of the year 1865, entitled "An Act to establish a State Police," and "An Act for the Better Enforcement of the Laws," were laid before the Governor for revision and approval, and were returned by him to the House of Representatives—in which body they originated—with his objections thereto; and being put upon their final passage, in the manner provided by the constitution, two-thirds of the members present, and voting thereon, having voted in the affirmative, the Acts were thereupon sent to the Senate, and being put upon their final passage, two-thirds of the senators present and voting thereon having failed to agree "to pass the same," they were declared lost, and thereby without force and effect.

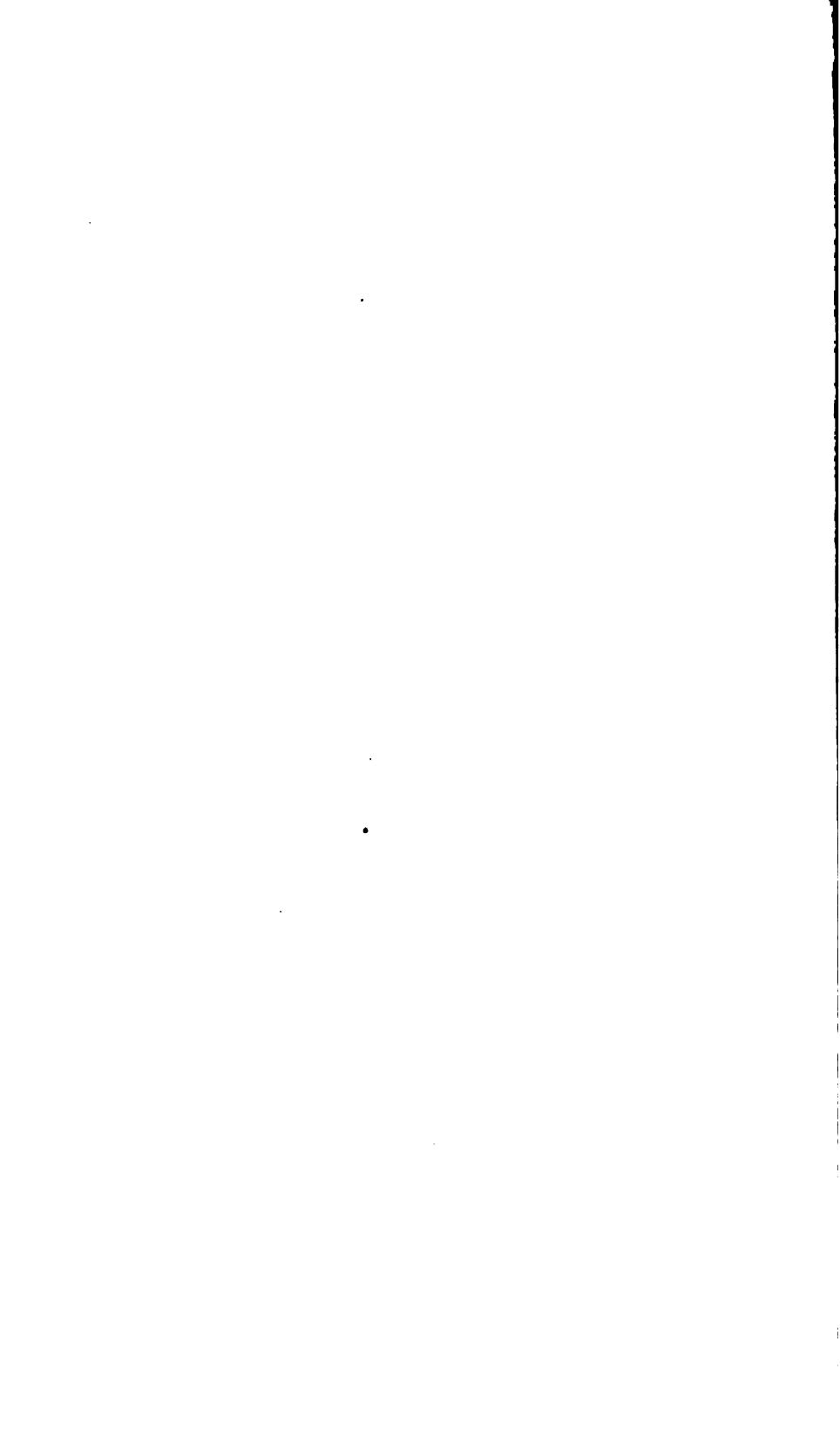
"An Act to incorporate the Maverick Bridge Company," and "An Act repealing a part of the eighty-seventh chapter of the Acts of the year eighteen hundred and fifty-two," were laid before the Governor, and returned by him to the Senate—where they originated—with his objections thereto, when two-thirds of the members of each branch of the legislature having voted in the affirmative, the same have the force of law.

"An Act to regulate the sale of Intoxicating Liquors" was laid before the Governor, and having failed of his approval, and not having been returned within five days after receiving the same, the legislature not having adjourned in the meantime, said Act acquired the force of law, and has been so certified.

The legislature was prorogued on Friday, June 12, the session having occupied one hundred and sixty-four days.

ACTS OF 1868 CLASSIFIED.

General Statutes, or Acts of a public character, . . .	130
Special Acts, relating to individuals and corporations, . . .	225



INAUGURAL ADDRESS

OF

HIS EXCELLENCY ALEXANDER H. BULLOCK.

At twelve o'clock on Friday, the third day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate and
of the House of Representatives :*

It may well awaken our patriotic pride that we convene, at the beginning of a new year, public servants of a Commonwealth which is distinguished by independence, intelligence and contentment. Here also harmony, confidence and faith in the future prevail. No questions of the relations of the State with the National Union ; no doubts as to what we have done, or as to what we ought to do on the broad field of humanity and patriotism ; no fears of our public credit, which is subjected to little inquiry abroad because it is well sustained at home ; no general or particular apprehension as to our condition, or prospects, or duties, can disturb the reflections appropriate to this day and this occasion.

These facts ought, also, to quicken our sense of responsibility. Whatever we of this generation, as a part in the federal fraternity, have accomplished, and whatever as a local community we have attained, we owe largely to the virtues of our ancestors ; to their example of piety and morals ; to

their devotion to the welfare of the whole country ; to their support of education and philanthropy ; to their consistent practice of liberality and economy in all the affairs of state. We cannot afford to obscure, or forget, or neglect the lessons of our past. They are to us a sacred treasury of resources. The thought of these examples, the imitation of them, varying only to accord with changing time and circumstance, may wisely be a chief influence in our own policy and action.

FREE EDUCATION.

We best give effect to one of the highest of their examples, and we continue a policy which stood first and last with them, by granting a broad and ample support to the interests of popular education. The wisdom and the necessity of this, as an assurance of our civil and political strength among the States, were never more obvious than now. The well ordered finances and the concentrated and intense system of productive labor of the Commonwealth have done much to gain for it a renown in all parts of the world ; and these are dependent upon that mental training which has given to our industry its keenness, its energy and its transmitted life. But, beyond the tangible relations of the material arts, the conditions of our success and reputation at home and abroad depend in chief upon the manifestations of cultivated mind in every sphere of thought and action. This State, now a small spot among the divisions of the map, must rely mainly for a conspicuous part in the influences and forces of a great nation, upon its educated manhood ; educated for statesmanship, and government, and science, and industry. There are no boundaries to circumscribe a Commonwealth in which such culture exists in full development. This conquers prejudices, makes all sections one, and imparts to local history universality.

In calling your attention to our public condition, I rejoice, therefore, that it becomes my duty to state that never before, in periods of peace or of war, have the returns of the department of education been so encouraging as at this time. You will bear in mind that the last year has been one of thoughtfulness and apprehension in relation to finance ; and yet, while the premonitions of financial embarrassments have usually been caught quickly by our towns, at no time before have they exhibited a perception of public difficulty so well matched by an equal readiness for public duty and sacrifice. In no former period have the people of Massachusetts proved themselves so largely just, and considerate, and generous in promoting the cause of education. I do not think that the

returns of any previous year have illustrated such genuine progress. They indicate that the old system is at length reinvigorated by new ideas; and that the State is moving onward and upward, following the ancient example, but reinforcing it with the power of later and better methods.

It appears from the returns of the last year to the secretary of the Board of Education that two hundred and thirty-six thousand pupils have been in attendance in the public schools during an average time of eight months. Of this whole number less than twenty-six thousand were below five or over fifteen years of age. The number of teachers employed during the year has been nearly eight thousand; and the proportion of female teachers, now little short of seven-eighths of the whole, has been constantly increasing. This is a striking fact; not unsatisfactory when we consider that nearly the entire number of pupils in the free schools are between the ages of five and fifteen. We have now reached that stage in our public education when it is settled that instruction from female teachers is hereafter to prevail; and therefore it is that, having on two former occasions invited attention to the subject, I desire again to urge upon the people through their representatives, the absolute importance, as well as the simple justice, of a more liberal measure of compensation for the services of these teachers. The past year has witnessed an increase in this particular of about eight per cent. But the rates paid to female teachers in the whole State do not yet exceed one dollar per day, and fall far below those which the same people who support public schools and believe in them pay to uneducated laborers upon their farms and gardens. We may hail with satisfaction the ratio of increase in this respect which has occurred in the last three years, but not so much for what has yet been attained as for what we are encouraged to expect in the years to come. I am warranted, therefore, in once more urging the transcendent necessity of making larger compensation to the teachers of schools, because it is just, and because it will elevate not them alone, but also the schools and the whole people.

The amount raised by taxation during the year for the support of free education was \$2,355,505.96, an increase from the previous year of \$362,328.57. This is far in advance of any annual increase heretofore realized, and it has been accomplished at a time when the public burdens have begun to be sensibly felt by the citizens. I know not any better way in which to express the measure of sacrifice which the convictions of duty have brought this people to make, than the bare statement that the sum raised by taxes

during the last year for free education averaged nine dollars for each child in the State. If to these we add the returned expenses of private schools, the whole amount becomes \$3,160,665.94; which is equal to more than twelve dollars expended upon every boy and girl between five and fifteen years of age.

Accompanying all this increasing liberality in the support of public schools, there has been exhibited by teachers, and by a large class of citizens who have become interested in this subject, a growing and expanding spirit of inquiry. Methods of instruction, and all the generalities and particulars of the entire system, are subjected to open scrutiny and discussion. In all the callings of life the best modern thinkers are expending their most ingenious and laborious thoughts upon this field of investigation. In the wide range of topics which these inquiries have raised, by no means inconsiderable or unimportant has been that of the discipline and government of the public pupils; I call them public pupils because they are all such; though not taken from home or parentage, yet the wards of the State, under its beneficent and parental care.

One of the questions greatly discussed by the people, and in a large portion of the reports of the committees, has been that of the utility and wisdom of the practice of corporal punishment. Considering that about seven-eighths of all the public instructors are young women, it becomes important to them, and to more than two hundred and thirty-six thousand children in their charge, that the least possible measure of this mode of discipline should be practised. In my semi-annual visits to the four Normal schools, where I have had occasion to counsel three hundred young women going forth to the responsibilities of public teachers, I have not refrained from a free expression of the opinion, which I cherish as a conviction, that a Christian civilization, a just and large humanity, and a progressive policy of education, call for the very general disuse of corporal punishment in the schools of Massachusetts.

FINANCIAL CONDITION AND PROSPECTS.

The financial interests of the State will necessarily command the earnest attention of the Legislature. Never has there been more pressing need of carefulness and deliberation in the application and disposal of public resources, and in the preservation of the State and National credit. The present condition of our own finances will render the demand for wise legislation more than ever imperative.

With the resources at our command, there need be no obstacle nor even embarrassment in the way of prompt and efficient measures to secure the highest welfare of the people, without imposing heavy pecuniary burdens. Having this purpose in view, after thorough inquiry into the whole subject, I am enabled to submit for the consideration of the Legislature the three following propositions :—

First, The funding of all present temporary and floating liabilities ;

Second, Such provision as shall not fail to make sure the redemption at maturity of such additional funded debt, together with all present outstanding funded liabilities for the payment of which no provision has heretofore been made ;

Third, The establishment of sinking funds to be derived out of resources already at our disposal, and in such amount as, with their accumulations, will secure that result without a resort to taxation.

That these propositions are practicable and can be made available for the accomplishment of the purposes which I have mentioned, will clearly appear from the statement of the present condition of the public debt and resources of the Commonwealth, which I have the honor to submit for the information and action of the Legislature.

The Funded Debt and Provisions for its Redemption.

Of that portion of the funded debt of the Commonwealth, including loans to the Western, Norwich and Worcester, and Eastern Railroad Corporations, and amounting, on the first of January

current, to	\$22,943,760 00
the payment of	21,605,760 00

is amply secured by sinking funds, bonds, mortgages and collaterals, the accumulations of the former being in some instances much more than sufficient for the redemption at maturity of the scrip for which they were established and pledged.

The scrip loaned to the Troy and Greenfield Railroad Corporation, amounting to \$1,720,680, is not included in the foregoing statement of funded debt. The redemption of this scrip was originally provided for in the establishment of the Troy and Greenfield Railroad Loan Sinking Fund, and its securities, now amounting to \$93,454.48, still remain in the custody of the Treasurer and Receiver-General.

The payment of this loan, however, is guaranteed beyond a peradventure in the pledged faith of the Commonwealth, in which is now vested absolute title to the road and its appurtenances. But in accordance with the long established and sound financial policy of Massachusetts, I have no hesitancy in recommending the resuscitation of this sinking fund, to be increased and supplied from such resources as the Legislature may designate, and in such amount as shall insure means for the redemption of past and future issues of scrip for the payment of expenses involved in the completion of the road and tunnel.

That portion of the funded debt for which
no special provision has been made, is
now

\$1,338,000 00

One of the principal items included in this
sum is the Coast Defence Loan, for the
redemption of which special provision
should be made, amounting to

888,000 00

The Coast Defence Loan was authorized by chapter 118 of the Acts of 1863, and of the proceeds derived therefrom there remains in the treasury, unappropriated, the sum of \$359,062.28. The whole amount expended in the purchase of ordnance, repair and equipment of coast defences, and for the protection of harbors, &c., is thus far \$432,187.72; and of the appropriation of \$100,000 made by the Legislature of 1867 for the protection and preservation of Cape Cod Harbor, at Provincetown, the sum of \$97,000 still remains subject to the requisition of the Commissioners as the work progresses. The amount, therefore, either actually expended or allowed for coast defences and protection of harbors is now \$528,937.72, leaving the unappropriated balance as before stated.

During the year 1866, a portion of the ordnance purchased with this loan was sold, and the proceeds, amounting to \$165,836.58, were paid into the State treasury. In the absence of any provision establishing a sinking fund for the redemption of the Coast Defence scrip, this money was placed to the credit of the ordinary revenue. As a measure tending directly and effectually to strengthen and advance the high credit already attained by Massachusetts at home and abroad, I earnestly recommend that this sum be set apart as the nucleus of a sinking fund pledged for the redemption of this scrip, which matures in 1883. To the fund thus created, enough should be added, either from the unappropriated balance remaining in the treasury to the credit of the Coast Defence Loan, or from the proceeds of re-imbursement soon

specting from the United States government for coast defence expenditure, to make an amount which, with its legitimate accumulations, will be sufficient for the desired purpose. If from the three sources above indicated,—the first two of which exhibit nearly \$525,000 in hand,—a Coast Defence Loan Sinking Fund of \$366,000 were now established, the amount at six per cent. interest will redeem the entire loan at maturity, and that without a single dollar of taxation; while of the original assets, a large sum will yet remain applicable to such uses as the Legislature shall see fit to select.

The Union Loan Sinking Fund, including the increased market value of its securities, is now nearly sufficient for the payment of the Union Fund Loan of \$3,600,000, which matures in various instalments from 1871 to 1878. This fund, as I am confidently assured from official sources, will very soon receive an accession of more than eight hundred thousand dollars from the general government, in further reimbursement of expenses incurred by Massachusetts on account of the war, upwards of six hundred thousand dollars of which is expected to be allowed in the course of the coming month. With this accession, the fund will be more than half a million of dollars in excess of the sum required for the payment of the Union Fund Loan. But under the provisions of the Acts establishing this fund, its accumulations, however needless, must continue, unless the Legislature shall direct their transfer to some other sinking fund where they may well be applied to the redemption of the public debt.

It is thus apparent that the surplusage from these sources alone, viz. : the Union Loan Sinking Fund and the balance of the proceeds of the Coast Defence Loan remaining after the creation of a Coast Defence Loan Sinking Fund, as before suggested, together with the amount to be re-imbursed by the United States, cannot in all probability be less than *one million of dollars*, an amount which, if merged into a new sinking fund, would, with its certain accumulations, be quite sufficient for the payment, at an early day, of all the present funded and unfunded liabilities of the Commonwealth for which no provision has yet been made. I think no considerate legislator can fail to be impressed with the fact, that if a sinking fund, embracing such means, and pledged for such a purpose, were to be created, the financial interests of the State and of its people would be very materially and successfully promoted.

The Unfunded Debt,

Represented by temporary loans and floating liabilities, amounted on the first of the present month to about . . . \$1,908,120 00

This indebtedness has accrued mainly from large and necessary advances in excess of the issue of scrip to meet expenses incurred, during the last four years, in the prosecution of the work on the Troy and Greenfield Railroad and Hoosac Tunnel; from the re-imbursement of aid furnished by cities and towns to Massachusetts volunteers and their families, for which, in 1864 and 1865, inadequate provision was made in the assessment of the annual State taxes; from large and liberal expenditures authorized by acts of special legislation in excess of previous and well considered estimates, this excess amounting in the year 1867 alone to more than . . . \$844,454 00

from the largely increased interest on the public debt, and from the heavy premium on gold, the former amounting, in 1867, to 1,264,592 48 and the latter to 275,933 90

showing an aggregate of more than *two million three hundred and eighty-four thousand nine hundred and eighty dollars.*

As an additional explanation of the sources from which the present unfunded liabilities have arisen, it may be stated that the interest accruing upon the various loans of the Commonwealth has increased from \$112,773 48 in 1861, to 1,264,592 48 in 1867; while, during the same period, there has been paid from the treasury as premium on gold, upwards of 1,566,480 70 the two items of interest and premium amounting to 6,096,977 30

Of this sum there has been paid as interest on temporary loans, rendered imperatively necessary by the pressing exigencies of war and special legislation, not less than \$935,793.48, which, with the premium on gold, making an aggregate of \$2,494,029.74, could not have been anticipated with any degree of accuracy. Consequently, this heavy and extraordinary outlay has been but partially provided for in the basis of taxation.

It should also be remembered that the exceptional or extraordinary expenditures authorized by acts of special legislation, in excess of previous estimates, amounted, in the

years 1865, 1866 and 1867, to \$1,290,134. These sums include, of course, the additional cost of the legislative sessions, the compensation and expenses for which, in 1867 alone, were upwards of \$284,800 ; also the increase required for the maintenance of other departments and in aid of numerous objects, including among the latter, the amounts authorized for remodelling the State House and for other public buildings, and for improvements in Boston Harbor. The last two alone involve an expenditure of nearly *half a million* dollars ; while the maximum estimate for special allowances provided for in the State tax, was less than \$100,000 (the estimate for the Troy and Greenfield Railroad and Hoosac Tunnel being entirely excluded from this statement.)

Upon careful and critical investigation of the whole subject, I suggest two methods for the retirement or payment of the existing unfunded loans and liabilities, affording, at the same time, effectual and much needed relief from the present burden of taxation.

One of these is the issue of a loan similar to that of 1861, for funding the public debt, the liquidation of such loan to be provided for in the sinking fund already proposed from the surplus accumulations of the funds heretofore named. These surplus amounts will readily furnish sufficient means for a sinking fund, which, with reasonable income from investment, will secure the redemption of at least three millions of scrip within the ordinary limit of maturity.

The other method of relief is the issue of the balance of scrip, amounting to \$479,320, authorized by the provisions of chapter 226 of the Acts of 1854, and by subsequent Acts, for the construction and completion of the Troy and Greenfield Railroad and Hoosac Tunnel. Should this course be adopted, I recommend an addition to the amount by such further issue of scrip on the same account, in accordance with the provisions of chapter 304 of the Acts of 1867, as may be necessary to absorb that portion of the unfunded debt, now amounting to \$2,300,000, which has accrued from advances in excess of former issues of scrip in aid of this enterprise ; such further issue to include also whatever appropriation the Legislature shall see fit to make in this behalf for the present year.

The liquidation at maturity of a loan of this character may be easily provided for in the Troy and Greenfield Railroad Loan Sinking Fund already recommended. With the requisite legislation authorizing the Treasurer and Receiver-General to issue such scrip under the direction of the

Governor and Council, the Ordinary Revenue of the Commonwealth, from which such large advances have been made for this work, may be re-imbursed, and the amount, thus restored to its original and legitimate use may be applied to the payment of ordinary expenses, obviating thereby necessity for heavy taxation.

Of the practicability of either of these methods of relief, there would seem to be no question. The adoption of one or the other must be effectual in the restoration of two or three millions of dollars, which the necessities of the last four years have diverted from the ordinary uses of the government; while, with the aid most certain to accrue from such restoration to the treasury, together with the usual ordinary resources of the Commonwealth, swelling up an aggregate of more than three millions of dollars, it can hardly be possible that the expenditures of the current year will require a State tax exceeding two millions of dollars.

I have all the more confidence in the realization of this result, in the assurance that a loan authorized upon the basis proposed will command approval and favorable negotiation; nor will it increase the funded debt of the Commonwealth, since, during the present year, a large portion of the Western Railroad Loan will mature and be paid, as will also instalments of the Northampton Lunatic Hospital Loan and of the Five and Six Per Cent. Loans of 1861, for all of which provision is made, the cash on hand in the treasury being applicable to the payment of the last two. With the proceeds of the loan recommended, estimated at only two millions, together with the ordinary revenue of the year, say one million two hundred thousand dollars, and a State tax of two millions, with such portion of the cash on hand as may be made applicable to the payment of current expenses, the whole amounting to upwards of five millions of dollars, it will be seen that the treasury will be fully supplied with means with which to meet all estimated ordinary expenditure.

THE STATE CHARITIES.

In company with the Executive Council I have visited the several institutions of public charity as often as official business would permit, and I take pleasure in commending their appearance and general management. The unceasing injunctions to economy and retrenchment, proceeding from the Executive department, and from their own immediate supervisors, have been scrupulously regarded; and till prices regain their former level but little more can be expected, or

in justice to the inmates should be required, in the reduction of expenditure, except through unceasing vigilance in removing at once those who are not justly chargeable to the Commonwealth. And this policy is insisted upon, not from motives of economy alone, though it is the safety-valve of our whole system, but on the broad ground of that comprehensive humanity which recognizes the assurance of an acknowledged and permanent home, in case of disability, as the truest interest and safest protection of the poor. Few of our people know and still fewer appreciate the force of the fact that the number of lunatics and paupers we annually remove from the State is equal to the average number we support, and that any omission or relaxation of effort in this direction would not only nearly double our outlay for current expenses, but would cause a demand at once for new buildings and their costly equipment. For the year 1867, the average number of State paupers in the almshouses, including the inmates of the State Workhouse and Primary School, has been 1,717, maintained at a cost of about \$165,000 ; and of lunatics supported by the State in the hospitals, a little over 500, costing \$95,000 more ; yet during the same period 2,149 have been removed from the Commonwealth at a cost of less than \$10,000. The whole number of these classes removed since 1857 is about 20,000, and the direct consequences have been that no more public institutions have been established, but that one of those then existing has been closed ; that the average number of paupers supported in the State Almshouses has been reduced from 2,294 in 1856, to 1,717 in 1867, a decrease of 577, or 25 per cent. ; and their cost from \$173,000 in gold in 1856, to \$165,000 in currency in 1867 ; that the number of State lunatics, notwithstanding the large access chargeable to the rebellion, has not materially increased, and will soon fall below the number of twelve years ago ; and that the entire net cost of our State paupers proper, that is, those supported in the State Almshouses and Lunatic Hospitals, and relieved or buried by the cities and towns, does not exceed \$280,000 for the present year. That system surely must have some efficiency which has met the results of twelve years' growth in population, encountered the obstacles arising from civil war and the derangement of the currency, and brought us through all so successfully that its actual cost in gold for the year just expired is less by many thousands than in 1855.

The classification of the inmates of the State Almshouses, designated by law and put in force in the Autumn of 1866, continues to work well in practice. In these Institutions we

have now four classes of persons: 1st, the chronic insane and the imbecile, numbering about 275; 2d, those entering the Almshouses from poverty induced by their own vicious indulgences, and sentenced to the State Workhouse, now averaging about 225; 3d, the children at the Primary School, numbering upwards of 400; and 4th, the paupers proper, of whom we have supported an average of between 700 and 800. This classification is not yet completed, but it is surely, if slowly progressing, and we shall soon have virtually in place of the four pauper establishments, one State Almshouse, one Asylum for the Insane, one penal and one educational institution, containing together fewer inmates, and maintained at considerably less expense than under the former plan. That no inconvenience may befall the towns in the Southern and Western sections of the State, temporary accommodations are provided at Bridgewater and Monson, for the few paupers they may have occasion to send thither. The object of this classification, is to separate the virtuous poor and especially the children from contact with the vicious, to give the children proper instruction, and to place them as soon as possible in suitable families, to the end that in social relations and the public school they may forget their pauperism. And the design of our whole system of charities, as administered by its supervising Board, I conceive to be the retaining of every person, as far as may be, in his natural condition in society; if he loses it, his restoration thereto at the earliest moment; if by infirmity of body or mind he cannot regain it, his support by local means in that manner which shall most nearly approach it in the vicinity of his friends, and among familiar associations. Failing all this, the maintenance of a comfortable Almshouse for the honest poor,—whence strangers shall be sent promptly to their homes in other communities—and of a house of toil for the vicious, who shall there be taught that they cannot prey with impunity on the earnings of honorable labor. These principles seem sound in theory, practicable in execution, conducive to the greatest happiness of our dependent classes, and likely to promote a judicious economy.

The closing of the Hospital at Rainsford Island, which was finally accomplished one year ago, has resulted most advantageously to the State. There has been no increase of admissions to the other institutions by reason thereof, and its disuse has occasioned no embarrassment whatsoever. The really sick, who would ordinarily have been sent thither, have been provided for by the authorities of Boston, and the cost of this provision, with the entire outlay for the salary of

the Superintendent, and necessary repairs, falls short of \$8,000; while, previous to the adoption of this policy, the expenditures at the island averaged some \$30,000 a year.

The Lunatic Hospitals have been managed with their usual efficiency, and present no noticeable feature, unless it be the extraordinary increase of the admissions from the general population, which have risen from 508 in 1865 to 662 in 1867. Their cost to the Commonwealth varies with the number of State Lunatic paupers, and with the rate of board, which is fixed yearly by the Legislature. At the present time the number of State Lunatics is 510, the price of board \$3.50 per week, and the annual cost about \$93,000. The necessity for an additional Hospital, which seemed at one time inevitable, has been averted by removals from the State and by the establishment of the Asylum at Tewksbury, whither the surplus of the harmless incurables is transferred, and where they are kindly cared for.

All these institutions have been carefully supervised by the Board of State Charities, whose officers have examined and removed their inmates, looked after the immigration into the Commonwealth, executed the laws of settlement, and performed the other manifold duties assigned by statute to this Board. They have met all their expenses for the year from their receipts, and have paid into the treasury a surplus of over \$5,000.

Institutions of Private Charities.

For the condition and progress of the several Institutions of Charity aided by the State, to an amount exceeding in the aggregate \$80,000, which might perhaps be judiciously lessened, I must refer you, with a single exception, to their Annual Reports.

CORRECTIONS AND REFORMS.

The State Prison.

I am happy to state that the sudden increase of crime co-incident with the close of the civil war has at last culminated, and that a sure but steady decrease has begun. The number of commitments to the State Prison the past year was 128, being less than the average of 38 years, whereas in 1866 it was 247. The expiration of contracts for labor, and their renewal at prices comparatively remunerative, have wrought an entire change in the finances of the prison, which during the past year has earned about \$21,000 over

all expenses. The kindly interest of the excellent warden, manifested in so many efforts for the encouragement of the prisoners to walk in the better way, and for their intellectual and moral culture, has not passed unnoticed. It is due to him to say that he enjoys, as he merits, my entire confidence.

Institutions of Reform.

The institutions of juvenile reform are the Massachusetts Nautical School, the State Reform School for boys at Westborough, and the State Industrial School for girls at Lancaster. The average number in these reformatories was 687 in 1866 and 752 in 1867. Their expenses for the past year are more than \$140,000, an excess of at least \$20,000 over the outlay of the previous year. This increase of juvenile offenders, not only in our institutions where it is limited by the insufficient accommodations, but throughout the community, as well as this fast growing expenditure, is calculated to excite our serious alarm. Already the inmates of these schools approximate in number to the aggregate of our State paupers proper, and exhibit an average cost for each pupil nearly twice as large. It may well be considered whether there is not something radically unsound in our modes of dealing with a question so vital to every community as the preservation of the morals of its youth; and whether a portion of the large and annually growing sum demanded for the cure of a disease already progressed so far, might not be expended more profitably in efforts for its prevention. It is also worthy of inquiry whether the inmates of these establishments perform an amount of labor proportionate to their age and productive capacities. Though of slight consequence to the State in the way of re-imbursement, this is of infinite importance to themselves for the preservation of health and for acquiring power of application and the habit of daily toil. I am impressed with the conviction that we should advance no further in providing for this class of offenders at the expense of the State, either by creating a new establishment, or enlarging any one existing; and that, like other petty criminals, these should be dealt with by the local authorities, who are quite as likely to understand their individual peculiarities, and to manage them with good judgment, economy and humanity.

THE CLARKE INSTITUTION FOR DEAF MUTES.

In my last annual message I had the honor to recommend that provision be made for the instruction of the deaf mutes

of the Commonwealth, within our limits, and to add my conviction that legislative action in this direction would develop rich sources of private beneficence. In response to this suggestion, the Legislature granted an Act of incorporation to the Clarke Institute for Deaf Mutes, located at Northampton, which was organized in July last, and was formally opened for the purposes of instruction on the first day of October.

My anticipations of private assistance were speedily realized ; and to a venerable citizen of the Commonwealth, whose name the Institution most appropriately bears, it is indebted for the most liberal endowment ever made to a similar institution upon this continent. In coming years, when we shall have passed away, and our agency in this labor of love shall have been forgotten, successive generations of the silent restored to speech will articulate with gratitude the name of John Clarke, of Northampton, who, in faith, hope and charity, has devoted so large a portion of the accumulation of a life of honorable industry to a work of Christian philanthropy. I have no doubt that other generous citizens of the Commonwealth will respond to this act of munificence, and that before many years shall have elapsed, no child of Massachusetts will be compelled to seek the means of instruction beyond her limits. In company with members of the Executive Council and several officers of the State, I have recently visited this school, which, in recognition of her self-sacrificing devotion to this class of unfortunates, has been intrusted to an enthusiastic and experienced teacher, Harriet B. Rogers.

Although the school had been in operation but a few weeks, the progress of the pupils was not only satisfactory in the highest degree, but excited the admiration of experienced instructors among the visitors. I have no hesitation in urging the Legislature to cherish it kindly ; to remove gradually such restrictions in regard to age or continuance of study as a wise caution has at first thrown around them ; and to assign to it such an increased proportion of the usual appropriation for deaf mutes as its growing numbers may require, beyond the income of its endowment. In view of the fact that it is an educational institution, and on that ground is intrusted to the supervision of the Board of Education, and because it is the duty of the Commonwealth to furnish to all its children an education at the public expense, I suggest that future appropriations for its aid be drawn from the school fund of Massachusetts to the end that compliance with a public right may not be accounted as public charity.

THE LAWS OF SETTLEMENT.

For some years past urgent representations have been made, not only by men of philanthropic instincts, but of practical knowledge and experience, that the Laws of Settlement of this Commonwealth are neither in accordance with the spirit of the age nor adapted to the present constitution of our society.

The right of settlement or legal residence seems to be based on the theory that contribution by an individual to the public wealth or welfare, and bearing for a specified period his proportion of the common burdens, should entitle himself, his family and posterity to public aid or support in the days of their disability. It is a species of mutual insurance interwoven in the social compact, and no disgrace can properly attach to the enjoyment of its benefits, unless the disability proceed from an unworthy cause. Our earliest settlers brought with them from the mother country this familiar institution, and speedily provided for it in colonial and provincial laws. As in a new country interest and policy demanded the ready acquisition of all the rights of domicile and citizenship they ordained, as the condition of settlement in a town, at first three months' and afterward one year's residence of the individual without being "warned out" of its limits, or receiving public assistance during that period. And this settlement once gained in any town within the colony or province was never to be defeated or lost, save by the gaining of a new settlement in some other town in the same colony or province.

I am informed that, as early as 1639, provision was made for lawfully settling all poor and unsettled persons, and that the first instance of State pauperism, so called, mentioned in the history of Massachusetts, occurred in the time of King Philip's war, when the ruined and houseless inhabitants of the ravaged districts were distributed by the General Court for maintenance among other towns of the colony. So early did our forefathers initiate the principle which has nearly ever since pervaded the legislation of Massachusetts on this subject, and which, in my judgment, can be extended yet farther with advantage,—that it is better that paupers should be chargeable upon towns than upon the State. But after the lapse of a hundred and fifty years, a denser and more varied population and the upheaving of ancient landmarks by the Revolutionary war induced a change, and nearly three-quarters of a century ago new and more stringent regulations were adopted; borrowed in the main from the English code, and constituting substantially our present system. The

principal requisitions to settlement are now residence for ten successive years without receiving public aid, with the payment of all taxes assessed for State, county or town purposes for any five years during that time, or the residing upon one's own real estate for three successive years,—the party always being a citizen and of lawful age. These conditions might have been well suited to the needs of an agricultural and commercial population, secure in its own permanence. But the progress of manufactures among us has developed new and unforeseen relations towards our countrymen from other States, while Immigration has imposed new duties toward our brethren from other lands. Both classes, seeking homes among us, have added largely to our productive energies and material wealth; but for both, the conditions of acquiring settlement are far too onerous. Compelled to follow the ebb and flow of the demand for labor, they can hardly maintain an uninterrupted residence of ten years in a single town; or, if perchance they accomplish it, some wary official will omit to assess them for the fifth time, or abate a tax with ready lenity. Large numbers are thus, in ignorance of their rights, deprived of the residence they are on the point of acquiring,—and after a sober and industrious life, in the infirmity of age, are given over to a State almshouse. Meanwhile our permanent and settled population has been gradually and surely decreasing, its young men having removed southward and westward, and peopled new States from the loins of Massachusetts. And so far has this process advanced of rapid decrease and slow increase of settled residents that competent judges avow their conviction that already our settled population numbers less than one-half of the people of the State.

Thus we are steadily departing from the wise policy of our fathers, by insisting on these rigid regulations, when the century that gave birth to them has passed away, and in declining to recognize the changed circumstances of a new era. We are sundering localities. We are destroying the family relation, breaking up and dispersing households perhaps never to meet again. We are multiplying the number of juvenile offenders, whose disposal and management are already a problem that puzzles our wisest and most experienced men. We are depriving communities of labor, that should be as permanent and available as the natural laws of supply and demand will allow. We are aggregating our poor in huge institutions, intensifying every defect, and violating sanitary laws. We are destroying all their ambition, demoralizing and permanently pauperizing them. In short, we

are infringing just principles of political economy, and piling up a huge burden for the finances of the State.

Moved by these pressing representations of thoughtful, humane and experienced men, I was induced to give the subject such investigation as I was able, but soon discovered that a far-seeing and true-hearted man had trodden the path before me. In his last annual message Governor Andrew earnestly advised a revision of the laws of settlement and proposed specific additions. These, I regret to say, were with one exception defeated in Committee, on the ground that the present statutes had been thoroughly adjudicated and that any change would give rise to embarrassing litigation. But I concur entirely with my predecessor that decisions and precedents and reverence for ancient forms of law must not stand in the way of sound political economy, humanity and morality. I have therefore the honor to renew most of his suggestions, with others which farther inquiry has developed, and bespeak for them your earnest consideration. It will be observed that these propositions point rather to an extension than an alteration of the present statutes, and are not likely to provoke any serious litigation.

1. Aliens, having completed all the other conditions of settlement, except the act of naturalization, shall enjoy the same privileges in that regard as the native born. If the theory is correct that service rendered should entitle to legal residence, no accidents of birth or color or race or sex should bar any from equal rights of acquisition and enjoyment. In limiting this privilege to citizens Massachusetts stands almost if not entirely alone among the States. This should no longer be permitted. In her justice and her charity she should recognize no frontiers but those of humanity itself.

2. A method should be provided whereby single women may gain a settlement. After useful and guileless lives of industry and self-sacrifice, we should not permit them in their advancing age and infirmity, to be torn away from the friends and associations and homes of half a century, to linger out the remnant in a State Almshouse.

3. Cities and towns should be prohibited under penalty from sending to a State Almshouse, or otherwise charging upon the Commonwealth, any person whose paternal settlement is obscure, but who has a well known maternal settlement. I am assured by the officers of our charities that the rights of citizens, in this respect, are not sufficiently protected by the Statutes.

4. I recommend careful inquiry whether the prerequisite of ten years' continuous residence may not safely be reduced

at least to the maximum of the neighboring States. Maine requires but five years' residence, New York but one, and, if my information is correct, the maximum of the others is seven. And further, I suggest whether assessors shall be permitted to prevent the acquisition of a settlement by omission to impose a tax, or abatement of any already laid. I cannot doubt that a great amount of hardship will be averted by these two changes alone.

5. I earnestly recommend a thorough investigation of the expediency of encouraging the towns to assist at home worthy and industrious families which have no settlement, with a partial or full re-imbursement from the State, in the same manner and under the same supervision as that now adopted for the relief of the sick poor therein. It is clear to my apprehension that the grant of a little temporary aid, in the way of fuel or supplies, may save the maintenance of the entire household for months in a public institution.

6. And, finally, I have to call the attention of the Legislature to a remarkable anomaly, which requires their immediate interference for the protection of our own tax-payers. While our settled residents number only a few hundred thousand, we are yet, by our own laws, responsible for the support of all the descendants of every man and woman who has ever gained or derived a settlement within our limits, who must surely be counted by millions. No matter if centuries have elapsed since one of the family set foot on our soil, the obligation is still the same, and wherever they may be scattered over the face of the earth, their sick, their insane, their defectives, their paupers may return to Massachusetts to be supported by the town of original settlement. And although they may have acquired a subsequent settlement in another State, in towns where they will be acknowledged and provided for, yet our own Statutes, as the Attorney-General informs us in a most elaborate and able treatise, forbid us to remove them except with their free consent. Two or three illustrations will suffice. One hundred years ago a resident of a small town in the county of Worcester whose political sentiments, according to tradition, were obnoxious to his fellow-citizens, emigrated to a neighboring State, where he lived and died, and his descendants after him to the fourth generation, all having settlements in that State, and nearly all being owners of the soil. A few years since one of his great-grandsons returned to Massachusetts, became insane, and was sent to a Lunatic Hospital at a cost to the small town above named, whence his ancestor originated, of about twelve hundred dollars up to this time, and of two

hundred dollars a year, in addition, as long as he may live. He cannot legally be returned to his own birthplace and the home of his fathers for four generations. About 1743 a family left a small town in the county of Bristol and gained settlements successively in three other New England States, never returning to reside in Massachusetts. One hundred and eighteen years afterward four idiot members of this family were returned to this State to be supported by the ancestral town at an expense of not less than six hundred dollars a year. A town in the county of Norfolk, by virtue of an ancestral settlement, is now compelled to support a lunatic who escaped a few months since from the Almshouse of his native city, where his legal residence is undisputed. It is just that our people should be relieved of these burdens, which no other State imposes on its citizens. And I therefore recommend the early adoption of a provision allowing such persons to be returned to the place of subsequent settlement.

Aware of my inability to treat, as it deserves, a subject so intricate and delicate, I trust that I have said enough to induce at least the initiation in this Legislature of a more liberal policy toward our industrial classes.

In view of the importance of friendly and harmonious legislation on immigration, pauperism and settlement throughout New England, I have authorized the officers of our charities to confer with the Executives or Legislatures of the other States, and to take measures, if possible, to secure it. New Hampshire has already responded by Resolution of her Legislature, and I should be gratified if our own would formally sanction the individual action of her Executive authorities.

THE MILITIA.

The number of men present at the last fall encampments of the Volunteer militia was five thousand seven hundred and fifty-three; an increase from the attendance in the previous year of nearly seven hundred. It is my opportunity and pleasure to assure you, from my personal observation, that the appearance and service of the force during the five days of camp duty were in the highest degree creditable. One-third of the present number of enrolled men have served the United States in the recent war, and their cheerful enlistment into our volunteer companies entitles them to the grateful appreciation of all citizens. The laws relating to our military system, as they stand since the amendments made by the last Legislature, work apparently well, and no essential revision appears to be necessary.

The change of the period of camp service, from three days to five, has in the single experiment made under it manifested most satisfactory results. Upon a recent occasion of popular demonstration towards a distinguished officer of the army of the United States, Major General Sheridan, nearly five thousand of these men, of their own volition and without pay, performed the duty of escort; and I do not speak with language of extravagance in saying that never before has the militia of Massachusetts, by a thoroughness of discipline and practice, and an entire absence of ostentation, so well justified to every observer the expenditure necessary to maintain this organization for our protection and defence.

The number of companies which now constitute this arm of the public service comprises ninety-two of Infantry, six of Cavalry, and four of Artillery. The amount expended for military bounties and for armories has been nearly ten thousand dollars below the appropriations made by the last General Court.

The annual cost of maintaining such a force as the present, under existing laws, is not far from one hundred and fifty thousand dollars. However large this sum may appear, it is my deliberate judgment, formed in the light of the lessons of experience, and with a full knowledge of the present admirable condition of the force, that no item of public expenditure is better justified than this. I challenge comparison from all the States of an equal amount expended and an equal array of results accomplished.

The public stores in the arsenal at Cambridge are now in excellent condition, and it will be the pleasure of the patriotic officer in charge to exhibit the buildings and military material at any time to the members of the General Court.

TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

In my communication to the Legislature one year ago I stated that under direction of Chapter two hundred and ninety-three of the Acts of 1866 the construction of the railroad between Greenfield and the Tunnel had been contracted for, and that a lease of the same had been executed under the approval of the Executive Council. The road has now been completed as far as Shelburne Falls, a distance of thirteen miles, and the corporations, lessees, have commenced the running of regular trains. It was formally opened two months ago, and the great attendance of people, and the deep interest manifested by them in the first advent of the

locomotive into the valley of the Deerfield, afforded striking proof of the value fixed by the whole population of the North-Western portion of the State upon their new connection with general commerce. The remaining portion of the line, extending from the Falls to the mountain, seventeen miles in length, will be finished in the next summer, and will constitute the completion of a road of thirty miles, built at a fair cost and holding a strong relation to the interests of the whole public.

The progress of the work upon the Tunnel itself, though prosecuted at some points under adverse circumstances, has as a whole been highly encouraging for the future. During the year a contract was made with three experienced men for work on the Central Shaft and the East End, but after a sufficient trial it appeared that the parties would be unable to execute it, and the relinquishment of the contract was accepted by the Governor and Council and operations at those points were resumed by the State.

The prosecution of the work at the Central Shaft was arrested in October by the destruction of the buildings and machinery by fire, which was also attended by a lamentable loss of human life. Measures have been commenced for the earliest replacement of the fixtures, and for the continuance of that excavation. Notwithstanding this and other drawbacks, there was at this point in a period of twelve months an increase of progress over the preceding, of seventy-six feet.

At the West End, which, under a policy initiated by Mr. Brooks, the former chairman of the Commissioners, has been worked upon the contract system for nearly a year and a half by the very efficient contractor, there has been a good advance and reasonable success. The original contract has been repeated upon terms more favorable to the State, and its execution promises every anticipated result.

At the West Shaft, upon the two linear headings, there has been a decrease of advance compared with the corresponding months of the previous year, of one hundred and twelve feet. This loss has come from the great influx of water without a pumping capacity to dispose of it. A policy, in this particular, intended for economy, has in my judgment been found to be erroneous, and I cannot doubt that it would have been a true economy to have provided one year ago at a greater expense for larger and more efficient pumps. But the knowledge of present difficulties has now prepared the Commissioners to meet them with a proper application of power to overcome them. The obstacle of

ater can be and will be overcome, and a rate of advance corresponding to the prosperous results realized at the East had may be expected.

At the East End the linear advance has been within the year one thousand and fifty-one feet, showing an increase over the previous year of four hundred and fifty-nine feet. The drills have proved an entire success, and this class of machines will be soon introduced into the West Shaft, where they should accomplish similar results.

The Report of the Commissioners and that of the consulting Engineer will be transmitted to the Legislature at an early day. The consulting Engineer, Mr. Benjamin H. Latrobe, has, during the year, visited the Tunnel of the Alps, and has presented in his report a variety of facts learned there which will be found to possess much interest. That great work has now proceeded nearly twenty-five thousand linear feet, leaving fifteen thousand yet to be accomplished. That enterprise, like our own, was beset with many difficulties in its earlier stages; but by a constantly accelerating progress from year to year, it has attained a result of nearly four thousand feet in the nine months preceding last October. After weighing carefully all the unfavorable as well as the favorable circumstances which surround our own work, it is my firm belief that a similar acceleration may be expected here; and that this undertaking can be finished within the time and cost estimated by Mr. Latrobe in his report for 1866, which will be found stated in my last address to the two Houses.

AGRICULTURE—THE AGRICULTURAL COLLEGE.

The success of farm labor has been signal, notwithstanding the adverse character of the seasons. The display of stock and products at the public fairs in the autumn was gratifying, and the number of people who gave attendance was without parallel in the past years. It is manifest that while the pursuits of trade and the practical arts obey tendencies to centralization in the cities and large towns, yet of the population thus massed together for business a proportion constantly increasing choose homes in the country with the attractions of rural life. Such expend much of their time, their capital, and their faculties upon experimental agriculture and horticulture. The influence of this has been already perceived in the improvement of the quality of stock, and in a larger development of the productive capacity of our soil. Simultaneously, and not less benefi-

cent, has been the effect of this change in the modes of life of a large and influential class of citizens upon the character of our whole population, creating ties of common interest and sympathy between classes hitherto in many respects widely differing; displacing jealousies by the substitution of good will, and extending harmony through the social and industrial relations of all.

The last General Court added four to the number of incorporated agricultural Societies, making twenty-nine in all. It may well be doubted whether of these there are not quite enough for their own efficiency and for the public finances. Many of these bodies are already well supplied with means, and scarcely need the aid of bounty from the treasury. I suggest for your consideration, whether a reduction in the amount of the bounties might not wisely be effected by encouraging one-half of the societies in alternate years, and by limiting the patronage of the State biennial exhibitions instead of annual. Doubtless annual shows would still continue to be held.

The annual report of the Massachusetts Agricultural College will in due time be submitted to the General Court. This institution was established by the Legislature of 1862 upon the foundation of the grant by Congress of three hundred and sixty thousand acres of the public lands. The proceeds of the sale of one-tenth of these were allowed for the purchase of a farm, and two-thirds of the income of the fund obtained by the sale of the remaining nine-tenths was given to the College as an endowment. So far as I am informed, our own is the only State which has applied the gift from Congress to the purposes of education explicitly and wholly in the interest of agriculture. In October last the institution established in the town of Amherst was opened for the reception of pupils, who already number forty-seven, comparing favorably in every respect with the classes in the other colleges of the State. It has been the policy of the trustees, to apply the sum of seventy-five thousand dollars, pledged by the town of Amherst, to the erection of buildings requisite to carry out the experiment; and such buildings have been completed and are now used to their full capacity by the first class that has entered. A plant house has been constructed upon a liberal scale, at a cost of ten thousand dollars, given for that purpose by Mr Nathan Durfee, a public-spirited citizen of Fall River. The whole sum already invested in the College is \$275,000. A detailed statement of the plans of study and management of the institution, the operations upon the farm, and the general

ccess thus far of a system of agricultural education which combines theory and practice, will be found in the report of the Trustees.

I am aware that this whole enterprise is in its beginning regarded by many with that kind of incredulity which is too apt to disparage all great experiments; but the College has been established by the Commonwealth, and the magnitude of the amount invested, the public demand for more liberal training of those who will devote themselves to this too long neglected class of industrial pursuits, and the demonstrated tendency of every school of learning in the interest of practical labor to increase the wealth and improve the character of the people, call for the exercise of a large patience and liberality in awaiting and judging the results. The well proved character of the president and other officers of the institution is a guaranty that the experiment will not fail for want of zeal or ability in its friends.

BANKS FOR SAVINGS.

I have been greatly impressed by the results returned to me by the Commissioner of the Institutions for Savings. It appears that in October last the amount of deposits in one hundred and eight savings institutions was more than eighty millions of dollars, \$80,481,583.71; with a surplus of earnings on hand of \$3,172,877.01; making an aggregate of \$83,604,460.72. Of this sum five-eighths have accumulated within the last ten years. This amount exceeds the paid-in capital of all the National banks in Massachusetts by more than three and a half millions of dollars. The increase of deposits during the year has been \$12,699,319.40 against an increase of \$7,795,781.79 in the previous year. The cause of this extraordinary increase may in part be found in the facts, that these institutions have very generally raised their ordinary rate of interest, and that they have paid large extra dividends during the past three years, which they have been enabled to make by reason of their income from National bank stocks, (one-eighth of which in this Commonwealth they own,) and from interest and premiums upon United States and State securities.

I shall not venture to indulge in conjectures or speculations concerning the future prospects of these institutions, in the present unsettled condition of the financial policy of the Federal government. One thing is quite evident; that however others may reason about the national securities and the national credit, there are in Massachusetts three hundred

forty-eight thousand five hundred and ninety-three persons, depositors in the banks of savings, who are by that relation the owners of thirty millions of federal bonds and eleven millions of national bank stocks, which is one-half of the whole of their deposits, and to whom it is of vital importance that the government of the United States should keep good faith with its creditors.

Under the operation of the law relating to the rate of interest, enacted by the last General Court, the savings banks almost without exception have charged seven per cent. upon their loans; and this practice appears to have been entirely satisfactory to borrowers. One result which I commend to the attention of our citizens is expressed by the fact that five millions [5,000,000] have recently been loaned by these institutions upon the security of mortgages of real estate. I hear from many parts of the Commonwealth that there is a drift of opinion in favor of extending the line of loans in this direction; and in my judgment this must be received as one but not an inconsiderable proof of the practical benefits of this change of the laws of usury.

THE INLAND FISHERIES.

I invite your favorable attention to the very interesting report of the commissioners on fisheries. The Lowell and Lawrence fishways were opened last spring with such success that during the summer both salmon and shad were taken near Nashua in New Hampshire, for the first time since 1849. Since their completion, that State, having made successful experiments with spawn, and taken measures to restock the Merrimack with salmon, awaits only the construction of fishways over our mill-dams on the Connecticut, to stock that river also. By the report of the commissioners it appears that the proprietors of the dams at Hadley's and Turner's Falls on the Connecticut, withhold, or positively refuse, that co-operation which the mill-owners of Lawrence and Lowell were glad to afford. I ask your consideration whether it is not possible to overcome by legislation the difficulties which the commissioners recite, arising from the indifference or opposition of the proprietors at Hadley's Falls. The movement to restock the New England rivers with useful fish is one in which all the New England States, except Rhode Island, are engaged, through commissioners who have associated themselves informally into one common board in order to insure harmony of action. In respect to the Merrimack and the Connecticut, its success depends on harmony of legislation between the States traversed by those rivers. Having

ledged ourselves to Vermont, New Hampshire and Connecticut, to co-operate with them for this common object, I cannot but think that those States will have reasonable cause of complaint if we shall neglect to remedy the obstacles on the Connecticut River for which we, as a State, are in part responsible by having incorporated the proprietors who have built the dams; and if, after consideration, it shall seem to you to be impracticable or injudicious to require them to remedy at their own cost the damage to the fisheries which the dams are causing, then I see no other course than to construct a fishway at Hadley's Falls at the expense of the Commonwealth according to the estimate of the commissioners. The State of Connecticut has passed an act prohibiting the taking of shad in the Connecticut River at any season of the year except during the three months following March 15, and prohibiting the taking of salmon there absolutely until March 15, 1872; but on the condition that Massachusetts, at the present session of the General Court, shall prescribe the same limitations on the taking of those fish in that part of the river which lies within our territory. I cordially advise concurrence in this legislation.

I commend to especial attention those portions of the commissioners' report relating to the artificial propagation of fish, and to the experiments of Mr. Seth Green, at Holyoke, which it treats with great earnestness. The subject is one not of mere scientific interest, but of great practical importance to all classes of our people by its bearing on the prices and supply of food. If the results attained by Mr. Green, of increasing the production of fish seventy-fold by artificial breeding are capable of general repetition, it opens a new and very important field of productive industry, of the value of which the commissioners afford significant indications by reference to the value of the inland fisheries of Scotland, Ireland and Wales. In 1863, those countries, with an area about equal to New England, furnished to the London market alone 3,712,016 pounds of salmon, worth more than a million dollars; the fishing-rental of the river Tay alone for 1864 was \$75,000 gold; and these results, considerable though they may appear, have been greatly surpassed in later years during which the artificial breeding of fish has been more extensively and intelligently prosecuted.

STATE AGENCY AT WASHINGTON.

I beg to recommend the renewal of an appropriation for the support of the State agency at Washington. The past year has been the first, since the agency was established, dur-

ing which Massachusetts has had no troops in service in the field ; but with the close of the war arose a large business in the prosecution of our soldiers' claims for bounties, pensions, and arrears of pay, and in the investigations necessary to correct and certify the military records of the adjutant-general's office, which has kept the agency constantly and usefully employed. On December 1, 1866, it had in its charge 2,316 unsettled claims of our soldiers. During the year which ended December 1, 1867, 2,697 additional claims were prosecuted by it, almost all of them being received through the office of the Surgeon-General of the State ; and 1,879 claims were finally settled, on which there were collected from the United States for the claimants \$203,458.41. The number of unsettled claims now in its charge is therefore more than three thousand. During the past year it has also ascertained and certified for the records of the adjutant-general's office the military history of 3,719 men. The total of its expenses for the year has been less than seventy-five hundred dollars. I am satisfied that among all the benevolent expenditures of the State, none is productive of more good at less cost. The amount of money which the agency has saved to poor families of soldiers, who otherwise would have been preyed upon by dishonest claim-agents, exceeds many times the expense of its support, to say nothing of the ease of mind it affords to such poor people by the consciousness that their affairs are in the hands of officers of approved character, responsible to the Commonwealth for their conduct. In other ways also the experience of our State agent at Washington has been availed of, especially in regard to the preparation and settlement of the claims of Massachusetts on the general government for re-imbursement of military outlays, to which I have alluded elsewhere. The time, doubtless, is not far distant, when the agency may be discontinued ; but for the present, I am persuaded that its continuance is needful. I refer you to the report of the Surgeon-General for an account in detail of its business and expenses.

THE PAYMASTER AND BOUNTIES.

At the commencement of the present year I directed the Paymaster's department to be finally discontinued, believing that the payment of any bounties subject to call may reasonably be conducted through the permanent departments of the government ; at the same time employing a single person to complete the records of that office which will be absolutely essential in years to come.

Of the bounties still purporting to be due and uncalled for, a large portion date back two, three, four or more years. Considering the extensive desertions in the last years of the war in connection with the bounty system, and bounty brokerage in its various modes of fraud, it may be reasonably assumed that in a great number of cases those who might have claimed these bounties uncalled for, were deserters, knowing that they have forfeited the allowance to which actual service would have entitled them. In the last two years many instances have occurred of claimants and others ascertaining the names of soldiers having sums of money standing to their credit on the rolls, and then manufacturing evidence upon which to secure the payment of the same. In some cases, when rejected by the Executive, these have been urged upon the Legislature, generally without success. You will permit me to suggest a close scrutiny of any such claims which may be presented during the present session. Desiring to do substantial justice to the soldiers and to the treasury, I have directed the Paymaster to turn over to the Adjutant-General for revision all bounty rolls in his possession which accrued under the jurisdiction of the provost-marshals, all other rolls having been previously transferred for the same purpose. I have also requested the Treasurer to furnish to the Adjutant-General for that purpose a descriptive list of all to whom full or monthly bounties still appear to be due on his unpaid rolls, and not himself to make further payment of the same unless duly certified on new and properly approved rolls. This course will unquestionably accomplish justice to all, and will legitimately close up what remains of this great account.

THE HARBOR OF BOSTON.

Much has been done and still more proposed during the past year for the benefit of Boston Harbor. Immediately after the appointment of the Harbor Commissioners in 1866, they caused surveys to be made by their engineer, Mr. Albert Boschke, to ascertain what ought to be done for the protection and improvement of the lower harbor. These surveys were made with great care. Mr. Boschke's estimate of the expense of the necessary works amounted in the aggregate to something more than a million dollars. The plan of the whole work was approved by Major-General A. A. Humphreys, Chief Engineer of the United States Army, and recommended by the Secretary of War.

At the final session of the last Congress the Harbor Commissioners presented a petition for an appropriation to

protect and improve the outer harbor. The necessity of the aid sought being apparent, Congress granted an appropriation of three hundred and seventy-five thousand dollars for the "preservation and improvements of Boston Harbor." This grant of Congress has enabled Major-General Benham to continue the construction of the sea-wall on the Great Brewster, which it is hoped, will prevent further waste of the island and further extension of the Spit.

Other works, under the skilful superintendence of Major-General J. G. Foster, which will be of the greatest benefit to the lower harbor, have been ingeniously and successfully prosecuted. Two rocks,—known as Tower Rock and Corwin Rock,—very dangerous to ships of great draft, lay in a narrow part of the main ship channel. The entire removal of the Tower Rock to a depth of more than twenty-three feet below low-water, and the partial destruction of the Corwin Rock, have been already effected. The deepening and widening of the main ship channel in another narrow part, by cutting off a portion of Lovell's Island, has also been begun under the charge of the same able officer, and will, together with the destruction of the Corwin Rock as far as necessary, be finished, it is believed, in the ensuing season. For the details of these and other interesting operations, begun and planned to protect and improve the lower harbor, I refer to the Harbor Commissioners' Report. I congratulate the Commonwealth on having secured the co-operation of the United States to such an extent in aid of our navigation.

For the continuation of these important operations, the Secretary of War has recommended to the present Congress an appropriation of \$287,000. There is every reason to hope that the work so well begun will be consummated by the United States, as I am sure we have a right to expect.

Good progress has been made in establishing the basis upon which the projected improvement of the South Boston Flats shall be made. In the year 1866, the Legislature adopted a plan for the improvement of these flats, the execution of which in its essential features would involve a very considerable extension of the wharves on the Boston side of Fort Point Channel, and a filling up of the flats on the south side of the channel, after enclosing them by a sea-wall which would be available in the construction of wharves and docks bordering on the deep water of the harbor. But occupation of the flats in this manner was believed to involve, also, the necessity of large and very expensive excavations in Charles and Mystic Rivers, the most effective tidal reservoirs of Boston

Harbor, to compensate for the water displaced by the proposed filling, and so to preserve the scouring force of the tide. It was feared, if this system of compensation was an inseparable part of the plan, that all the profits to the Commonwealth aside from the improvement itself, would be swallowed up in the necessary measures for preventing the injuries that must result to the harbor from the displacement of so much tide-water. Fortunately, however, for the immediate pecuniary success of this great enterprise, new investigations have been made and a conclusion has been reached, having the high sanction of distinguished scientific men, that an equivalent for compensation for tide-water displaced, much cheaper than compensation in kind can be obtained, 1. By dredging certain portions of the main channel of the harbor to the depth of twenty-three feet below mean low-water and using the material so dredged to fill up the South Boston Flats which lie in close proximity; 2. By the guarantee of the Commonwealth to defray out of the profits of the enterprise the expense of annually removing by dredging such accumulations in the channel as may take place. The income of half a million of dollars it is thought will be sufficient for the complete protection of the harbor, and should such a sum be set aside by the Commonwealth for this object, there will undoubtedly still remain a larger surplus of pecuniary profit accruing to the State. For the purpose of making this improvement the Legislature of the last year authorized the Harbor Commissioners to contract for the construction of a continuous sea-wall on the south side of Fort Point Channel on a line parallel with the line as laid down upon the plan adopted by the General Court. They also provided for the appointment of an engineer who should determine the line of the wall and prepare the plan and specifications for building it. Two hundred thousand dollars were appropriated for the work. By the provisions of the law the location of the line of the wall by the engineer, his plans and specifications, and the contract for the work to be executed by the Board of Harbor Commissioners, were all made subject to the approval of the Governor and Council; while the construction of the work was placed in charge of the engineer under the direction of the board. Under this Act I appointed Mr. George R. Baldwin, an engineer of experience in this kind of work. The Commissioners were also authorized to change the lines of Fort Point Channel as laid down on the legislative plan of 1866, in order that, by conveying the channel nearer the Boston side, the requisite extension of wharves might be reduced to the lowest amount

and the area of improved flats on the other side of the channel enlarged. This change in the line the Commissioners have made.

After considerable discussion before the Executive Council I have approved a line for the wall running fifty feet inside of the outer line of the legislative plan of 1866, and parallel with it,—a space of about fifty feet width being reserved for the construction of platforms at the ends of the wharves that will be built upon this improved land. My reason for approving this line is that the intention of the Legislature, derived from the construction of the statute under which the Executive was to act as well as from the explicit testimony of the members of the Legislature who framed the law, seemed to be that the wall should be built on or near the line approved. If, however, the wall is to be built upon this line the cost will be very much larger than the \$200,000 appropriated for its construction, and the Legislature will be obliged to increase the appropriation, or give to the board of Harbor Commissioners, who are charged with the duty of building this wall, authority to pay for it in land which shall be filled in.

Moreover, in order to make this wall and improved territory available for commercial purposes, the Commissioners should have authority to build, not a continuous wall, but a wall which shall serve as the outer wall of wharves, separated by docks, whenever they may be wanted along the deep water front of the land improved. It is also to be borne in mind that it is important for the security of Boston Harbor that the extension of the wharves on the Boston side of Fort Point Channel should be secured during the progress of these works.

I have thought it advisable not to approve any contract before the meeting of the Legislature, but to lay the whole matter before you, that you may give the requisite authority to the board having the construction of the wall in charge, for building it in such a manner that it may be available for commerce and of value to the State, and that the means may be provided for paying for it at the cost at which it must be built, either by further appropriation or in land to be created by this improvement.

CAPE COD HARBOR.

By chapter eighty-six of the Resolves of 1867 a sum not exceeding one hundred thousand dollars was allowed and appropriated to the protection and preservation of the Har-

por at Provincetown, to be expended by Commissioners upon plans approved by the Governor and Council. At an early day the Commissioners provided by the Resolve were appointed and they have since industriously attended to the grave duty assigned to them. Quite recently their report, with plans and models, has been submitted, and it will be transmitted to you for information and for such further action as in your wisdom may seem proper. The eminent engineer who has made the necessary surveys and whose judgment upon the subject is embodied in the report, has now retired from the commission; but his presence as a member of the House of Representatives will enable the Legislature to become familiar with the exigencies of the case. The report presents the urgent necessity of immediate action by somebody, either on the part of the State or the Federal government, for protecting this harbor from the rapid wearing of the sea. I have been constrained to decline any action upon the plans reported, because the estimates of the cost of the work, if carried out in the manner recommended by the Commissioners, exceed by fifty thousand dollars the amount allowed by the Resolve. You will permit me to invite your early attention to the subject; for if the State is to prosecute the undertaking it will be essential, both for the object itself and for economy in attaining it, that contracts for material may be made during the present season.

THE PROHIBITORY LAW.

In a free Commonwealth the will of the people must be acknowledged, respected and obeyed as the supreme law of the land. After ample consideration and free discussion, they have expressed at the ballot box their emphatic disapproval of the prohibitory law, so called, with its present penalties and methods of enforcement. Precisely what policy shall be adopted in its stead they have not so distinctly intimated. But it is to be supposed that the representatives of their own selection, fresh from the popular assemblies, have been made fully aware of the sentiments and desires of their immediate constituents.

Under these circumstances, it would be presumptuous in me, however decided my convictions, to propose and maintain a policy which might conflict with the expressed pleasure of the people.

In response to an order of inquiry addressed to me by the House of Representatives of 1867, I had the honor to state that "It is not for the chief executive magistrate to assume

at his discretion, in one instance to enforce, and in another instance to suspend, existing laws. For this would be virtually to exercise legislative power;" and further, that "if laws which are deemed unwise are found upon the statute book, they must nevertheless be enforced impartially and faithfully by all the officers of the government, until amended or repealed by the Legislature, with whom alone rests the power of making and repealing the laws." By the principles expressed in that communication I propose steadfastly to abide; and accordingly I respectfully refer this whole question, so momentous in its relations, and so interesting to the people, to the careful deliberation and wise judgment of their representatives in the General Court.

I must, however, be permitted to record my deliberate conviction that the moral and religious sentiment of our community will not tolerate the absence of all legislative provisions regarding the traffic in intoxicating drinks, but demands its restraint, regulation, control, by positive enactment. And further, that no statute will command the respect and permanent support of the people of Massachusetts, which shall conflict with the paramount claims of industry, sobriety and good order, or be inconsistent with their reputation as an intelligent and Christian Commonwealth.

THE STATE CONSTABULARY.

I shall have the honor to transmit to the Legislature the Report of Major Edward J. Jones, the Constable of the Commonwealth, (a conscientious and efficient officer, who has my confidence,) with the accompanying statistics exhibiting in detail the operations of his force for the past year.

As a magistrate, responsible for the administration of the laws, I cannot pass by in silence this record of faithful service rendered in the execution of an enactment the justice and expediency of which are questioned by so many citizens of intelligence and probity.

The great majority of the Constabulary is composed of veterans of the Army and Navy, many of them disabled in the service of the country and all of them presenting an honorable military record. They have been inured by martial discipline to unquestioning obedience to orders, whether in fulfilling the duties of the camp, or facing the dangers of the field. Hence, doubtless, they have performed the duties assigned them with an exactness and a stringency novel to citizens unfamiliar with military methods and unused to summary proceedings. But it must be remembered that whether in carrying out the specialties of a particular law,

or in encountering the desperate burglar or midnight assassin, or in threading as detectives the intricacies of crime, they have for the most part displayed coolness, alacrity and skill. Then, "since we punish not the sword itself, the instrument of the law," it is unjust that obloquy should fall on those who have discharged their disagreeable and often painful duties with courage and discretion. It is also unjust that they should suffer in the public esteem by reason of the incapacity, infidelity, or rashness of a few, whose counterparts are to be found in all similar bodies, and who were introduced to the Constabulary by the efforts of eminent men both among the friends and opponents of the policy they were expected to enforce. That I should say this much, is due not only to meritorious men, faithful to a public trust under reproach and contumely, but also to the cause of law and order, which must be sustained and vindicated in its dignity and integrity by the support of its administrative officers.

It is well known that my lamented predecessor, when called upon to interpose the power of the Commonwealth in an exigency affecting the right of free speech in the City of Boston, found himself without any civil force whatsoever for the maintenance of public order. In his last special message to the Legislature he took occasion to use the following language in relation to the Constabulary: "I should be unfaithful to the people of Massachusetts, if I omitted to declare the opinion, resulting from five years' experience in executive affairs, that the maintenance of such a civil force, directly responsible to the chief executive magistrate, is of high importance, and will yet prove essential to the Commonwealth. This opinion has no especial connection with any class of legislative enactments. All the laws may be altered or repealed the infractions of which led to this establishment, yet still it would be needful, unless it is deemed best to leave the chief magistrate without power to execute the laws." These words of advice emanating from the clear head and true heart of him who has left us, will doubtless have their due weight with the people of the State and with their representatives; and it will be for your wisdom to determine whether the minimum of this force, as fixed by the original Act establishing it, shall not be retained to aid in the preservation of the public peace and to carry out with efficiency such provisions of law, if any, as you may choose to substitute for those now existing.

NATURAL HISTORY.

Under the provisions of Chapter thirty-two of the Resolves of 1867, I appointed Mr. William G. Binney, one of the best of American naturalists, to edit and arrange the republication of the Report on the Invertebrate Animals of Massachusetts, which had been before authorized by Chapter forty-four of the Resolves of 1865; a work which had been left unfinished by the death of the late Dr. A. A. Gould. No compensation is asked or expected for this important labor. The appropriation of \$4,000 made by Chapter two hundred and eighty-two of the Acts of 1865 was reaffirmed by the Resolve of 1867, and it was provided that the work should be done as nearly as possible in accordance with the plans and views of the original author.

Mr. Binney, who was appointed with the full concurrence of the representatives of Dr. Gould, has entered upon his duties and made informal reports of his progress, from which it appears that an additional appropriation of \$4,000 will be necessary to bring out the work in a style creditable to the State and uniform with the other works of a similar character which we have published, and which have helped to give to this Commonwealth a reputation for liberal culture in other countries. This additional cost results in part from the fact that the original estimates were made some years ago, when everything connected with book-making was much cheaper than now; in part from the fact that the present editor has been able to procure many additional drawings for illustrations which should be included in the work; and somewhat from the fact that the original copperplates on which Mr. Gould depended, cannot be found, although every effort has been made to discover them, and which, unless soon discovered, it will be necessary to replace. If they shall be found the whole of this additional \$4,000 will not be required. I also respectfully suggest further legislation relative to the distribution of the books when published.

THE STATE HOUSE.

The Legislature of the last year provided for a thorough change in the condition of this building, and for additional and more commodious rooms for the committees of its two branches. Improvements had long been needful to the health and comfort of the members of the Legislature and of the various officers and clerks who pass here the business hours of every year. By an inadvertence, the main outlay necessary to the prosecution of the work was not provided

for in any bill of appropriation ; but the commissioners rightly judged it to be their duty to proceed at once with the undertaking, relying on the present General Court to appropriate the money. The President of the Senate and the Speaker of the House of Representatives were invested with full powers to direct and carry on the whole work. The late day of the final adjournment of the Legislature postponed the commencement of active operations till July ; and consequently the progress which has been made, which I am sure must satisfy if it does not surprise us, has been accomplished within the brief period of six months.

Of the assiduity and fidelity with which the commissioners have performed their duty, it has been my own opportunity to be a daily witness, and it is my pleasure to make public mention of it upon this occasion. The President of the Senate, the Honorable Joseph A. Pond, was suddenly removed by death in October last. The Speaker of the House of Representatives, the Honorable James M. Stone, has therefore been obliged to discharge alone the difficult and responsible task of the commission. I think you will concur with me that he has performed these functions with extraordinary success, and I am confident that no better officer could have been intrusted with the completion of the entire work and the settlement with all the contractors. The State House, thus changed to the great benefit of the public, may reasonably be expected to satisfy the essential wants of the present generation, with only inconsiderable additional expense to repair damages by weather and time.

THE NATION.

The close of the conflict for national unity finds the country perplexed by questions of finance, and confused by the uncertainties of the future. In these embarrassments the people of this Commonwealth, from the wide extent of their commercial relations, inevitably share. But the great principles of civil liberty transplanted to her soil, cherished through the lapse of centuries, and ever maintained by the treasure and the blood of her sons, have been vindicated in the contest. As then, faithful to her traditions, she was the first to assert their supremacy on hostile soil, so may she, as a Christian Commonwealth, be the first to recognize the new duties of a conquered peace. Suffering severely as they must from the waste and material loss of the conflict, her people cannot forget that the work of the warrior is done, and that the duties of the statesman have begun. I am

sure that they will agree with me that no word is to be retracted, no principle compromised. But I am equally sure that they will remember that it is of vital import to our citizens that the waste of war should be repaired, that our productive energies should be fully employed,—every spindle set in motion, every laborer supplied with work. I am confident, too, that in accordance with the teachings of their pious fathers, while fidelity to freedom forbids them to forget, they will admit their duty to forgive, and that magnanimity to the defeated is not necessarily compromise of principle.

We have destroyed involuntary servitude. We have manumitted a race of men and conceded to them equality of civil and political rights. In the exercise of these rights in the proceedings of the conventions in the Southern States, which they have mainly controlled, I believe that, after making due allowances, they have displayed a praiseworthy moderation. It is a sacred duty to insure them protection in the enjoyment of the rights we have guaranteed. But we must also remember that there are millions of the white race who cannot and must not always be retained in the position of abject foes; millions whose productive labor is necessary for the discharge of national obligations which must never be repudiated, and whose good will and co-operation are essential to a complete and thorough re-union. Let us then hear no more of confiscation and attainer for the Southern masses. Let us make an end of illiberal and unfriendly legislation, and while compromising no principle for which we have contended let us restore those lately in rebellion to equality of rights as speedily as is consistent with the national safety.

The present obstacles to re-construction must come to a speedy end, whether interposed by unrepentant rebels, by a President who does not make treason odious, or by those whom his policy has deluded into renewed resistance. The welfare and the will of the people require it. They demand peace; peace from turmoil of mind, as well as from turmoil of war; peace for their finances, for their industry, for their commerce; and, having the determination and the power, there is no mistaking the agency by which they intend to enforce it. If embittered men refuse to accept the boon that is proffered, the responsibility, the shame and the ruinous consequences will be theirs alone. If they are so blind to their own interests as to incite hostility between races, they will find that the nation is strong; that the nation will maintain its guarantees. No rights of loyal men will be surrendered to effect any settlement whatsoever. Equality of rights and universal suffrage are irreversible facts. The

wheels of revolution do not roll backward. In the march of civilization and democratic ideas, this nation takes no backward step.

ULYSSES S. GRANT.

It is the record of history that in great public crises the instinct of a nation points with unerring sagacity to some man of the people whom they adopt at once, in assurance of faith, as their chosen champion and deliverer; and by a natural law this abiding confidence is through its own soothing power the surest guaranty of success.

In this dark hour of national exigency we have need of a leader whose integrity is uncorrupted by political associations and whose patriotism has not permitted him to descend to the arena of partisan warfare; of a tried leader of undaunted courage, who will be swayed neither by popular passion nor sectional prejudice; of a man of cautious reticence, who has no inconsistencies to explain, no policies to maintain, no theories to promulgate; of a leader who comprehends the position and relations of all sections of our common country, and who will bring to the administration of public affairs executive ability, economical ideas, a clear head and an honest heart.

It is manifest that it is the same Providence which brought us safely through the storm of war, that moves this whole people now with singular unanimity to recognize in a plain, unpretending citizen him whose energy, discretion and exalted patriotism will restore peace and prosperity to discordant States and a distracted land. The man for the crisis—the man for the hour—the man of the people—is ULYSSES S. GRANT. Before his pre-eminent fitness for the high office to which a grateful nation would elevate him, let personal preferences yield, let faction subside, that peace, good will and union may once more and forever abide throughout the Republic!

JOHN ALBION ANDREW.

Within a few weeks past the people have been deeply affected by the death of JOHN ALBION ANDREW. His remarkable abilities, his political and professional eminence, his protracted and arduous service in a high public trust during a period of unprecedented difficulties, have caused his death to be universally lamented and have earned for him an enduring place in our history. His honesty and courage, his sagacity and simplicity, his kindness and frankness, his

fidelity to friends and generosity to all, the purity of his life and the patriotism of his principles, have already surrounded his name and memory with testimonials of respect and affection such as are rarely witnessed. The records of the Executive Department of this Commonwealth will bear perpetual testimony to his labors. So great and various duties as fell to him have not happened to any chief magistrate before, and could not have come to any other more safely than to him. In the performance of duty, nothing moved him; he marched directly forward upon the road where that called him. He was "clear in his great office."

But for myself, his breadth, and scope, and genius for public affairs, do not so much affect me on this occasion, as do the personal memories of the hour. It was my fortune, in another office of the State, to be associated with him during the entire term of his administration; to have constant opportunities to observe his methods of faithful service; to witness the play of those private qualities which underlie the official service of a public man; and which, if he be just and generous and great, reach beyond everything contained in his published record. For these, above all things else, it is my pleasure to remember him; a contemporary in years and fellowship; stricken down when if he might have lived, higher honors were awaiting him; but dying in the maturity of fame, and leaving to those who best knew him the recollection of one who was not greater in results than he was youthful and ingenuous in heart, when death overtook him in mid career.

———"Fair example of untainted youth,
Of modest wisdom, and pacific truth;
Just of his word, in every thought sincere,
Who knew no wish but what the world might hear;
Of softest manners, unaffected mind,
Lover of peace, and friend of human kind."

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the House of Representatives, January 15.]

I have the honor to transmit herewith, for the information of the General Court,—

1. The Report of the Constable of the Commonwealth.
2. The Report of the State Paymaster.
3. The Report of the Surgeon-General and Commissioners on Fisheries.
4. The Report of the Commissioners on Fisheries.

Reports of State
Constable, Pay-
master, Surgeon-
general and Com-
missioners on
Fisheries.

[To the House of Representatives, January 23.]

I have the honor to forward the Report of the Commissioners appointed under the Resolves relating to Cape Cod Harbor at Provincetown.

Report Commis-
sioners on Cape
Cod Harbor.

Appended thereto will be found a communication from Professor Benjamin Peirce, Superintendent of the United States Coast Survey, and the able report of Assistant Henry L. Whiting, together with a map of the harbor. A model which accompanied the report of the Commissioners cannot conveniently be sent in with these documents, but will await the order of any committee which shall call for it.

[To the Senate, January 24.]

I have the honor to transmit herewith, for the information of the General Court, the Annual Report of the Board of Education; also, the report of the officer appointed under chapter 285, of the Acts of 1867, "in relation to the schooling and hours of labor of children employed in manufacturing and mechanical establishments." I desire to commend to the consideration of the legislature the able and exhaustive report of this officer, which not only presents a full statement of the results of his investigation into the subject committed to him within the Commonwealth, but a comparison with the facts as they exist in the manufacturing establishments of England. And I also transmit the report of

Reports Board of
Education and of
the committee on
schooling and
hours of labor of
children employ-
ed in manufac-
turing establish-
ments, and Com-
missioner on the
Hoosac Tunnel.

Alvah Crocker, Commissioner in charge of the work at the Hoosac Tunnel, together with a copy of the report of the Consulting Engineer, Benjamin H. Latrobe. Accompanying these documents will also be found the report of Alfred R. Field, Chief Engineer in the construction of the Troy and Greenfield Railroad.

[To the Senate, January 28.]

Sale of certain heavy ordnance to Wm. H. Cilley for \$165,836.58.

In reply to the request of the Senate concerning the sale of heavy ordnance belonging to the Commonwealth, referred to in my last Annual Address to the legislature, I have the honor herewith to transmit a transcript, marked (A,) from the official records of the governor and council, together with the copy of a communication marked (B,) from the treasurer and receiver-general; and also, to refer to the official report of the quartermaster-general, which was printed with Public Document No. 7, of the series of last year.

In June, 1866, overtures were made to me by Mr. William H. Cilley, for the purchase of these munitions. Deeming that it was very desirable for the Commonwealth to sell them, and that such an opportunity might never occur again, I at once entertained his proposal for a negotiation. Accordingly, I appointed his honor the lieutenant-governor, the major-general of the militia and the quartermaster-general an informal commission to conduct the negotiation in my behalf. They reported, on June 26, that they could procure from Mr. Cilley a price nearly equal to the cost of the munitions to the Commonwealth, and submitted a memorandum of an agreement of sale and of terms of payment. This, on June 29, was approved by the governor and council, as appears by the transcript (A,) above referred to. In pursuance of that agreement, the munitions were thereupon delivered to Mr. Cilley as they lay at the State arsenal, at Cambridge, and the stipulated price was paid by him in the draft for one hundred sixty-six thousand two hundred and ten dollars, (\$166,210,) as agreed.

Early in September, deeming it not according to the regular course of business on the part of government for the Commonwealth to be a holder of commercial paper, I requested the executive council to concur with me in instructing the treasurer and receiver-general to sell the draft. A copy of this order in council is annexed to the communication (B) of the treasurer.

In pursuance of that order, he, on September 19, sold the draft to the National Bank of Redemption, the net proceeds of the sale being one hundred sixty-five thousand eight hundred thirty-six $\frac{5}{100}$ dollars, (\$165,836.58,) as appears by his

communication ; by the statement of Mr. W. D. Forbes, the president of that bank, thereto annexed, and by the report of the quartermaster-general for the year 1866, already referred to. That negotiation and sale of the draft I approved according to the terms of the order of the council, and the money passed into the treasury.

I think it proper to add that these munitions were a part of the large purchase of heavy ordnance made by my predecessor during the late war, under the Resolves of the legislature relative to coast defence. He endeavored, ineffectually, in the latter part of the last year of his administration, to sell them ; and I have regarded it as very fortunate for the Commonwealth that the opportunity has since happened to make the sale of so large a part of them. The Armstrong guns, still lying in England, which cost even a larger sum than those already sold, I have made repeated attempts to sell during the last two years ; but thus far, without receiving an offer of price, either in Europe or in this country.

[To the House of Representatives, February 15.]

I have received the copy of an Order adopted by the house of representatives, requesting me to furnish, for the information of the legislature, any communications I may have received in relation to the Hoosac Tunnel, from either of the former chairmen of the board of commissioners, or from any member of said board, or from the consulting engineer of the governor and council. Hoosac Tunnel.

It will be perceived that a literal and exact compliance with this request would involve the transmission of all communications from the persons mentioned received by me in the years 1866, 1867 and 1868, covering private letters as well as official, and making no discrimination as to whether such communications were written before or after the authors of them had retired from office. This material occupies a very considerable space in the files of the executive department ; and to make copies of the whole would require more than a month's time of my clerical force. Many of these communications relate to mere matters of detail, and have been embodied in more concentrated form in the annual reports made by the officers alluded to and heretofore transmitted to the legislature. In some instances these papers are accompanied by elaborate plans made by the highest skill of engineers, which are essential to a complete understanding of the communications ; and these cannot well be spared from the executive files, nor have I at command the clerical skill requisite for the production of dupli-

cates. Unless I shall be otherwise apprised by the house of representatives, I shall deem it a respectful construction of its intent to take it for granted that the Order was not meant to be thus comprehensive.

The correspondence of this department, relating to the Hoosac Tunnel, is both public and private. All the essential public communications, which are held here, have already been forwarded to the general court, either by copies of the originals, or in the form of reports which contain their substance. In addition to these there are many others which were intended as confidential, and which have been so treated by the governor and council. I am constrained respectfully to say that, according to my sense of public duty and of propriety towards individuals, this class of communications ought to be retained upon the executive files without publication, in conformity with the purpose of the writers. But it will be my pleasure at any time to exhibit their contents to any committee of the legislature, having the general subject in charge, which shall desire to obtain from them information concerning the public work referred to.

During the last two years the general court has charged the governor and council with the duty of oversight of this enterprise. It must be apparent, upon reflection, that the execution of such a trust brings the governor and council into relations with the commissioners and the consulting engineer, which at times are quite likely to be in their nature confidential. Especially has this proved to be true whenever personal differences have arisen among those officers. In some such instances the executive has received from those gentlemen communications which are *ex parte* in their character, the promulgation of which might work injustice to others having had no opportunity to reply. Under the recent re-organization of the commission consequent upon the retirement of two of its members, and by the adoption of certain orders in council for the direction and government of the commissioners, it is believed that no further troubles of this kind will arise. Whatever dissensions may have arisen heretofore in the board, whether relating to measures or to persons, I cannot think that the public interests would be promoted by a discussion or publication of them. Still, as I have before intimated in this communication, if it shall seem best to the legislature to institute inquiry or investigation in this particular, the correspondence now resting in this department shall be open to the inspection of the committee to which the subject may be intrusted.

I transmit a copy of one communication received by me from the late chairman of the commission before the passage of the Order of the house of representatives. This was not sent in with the annual reports, for the reason that it was written nearly one month after that gentleman had resigned his office, and it was therefore not regarded as an official paper.

[To the House of Representatives, February 17.]

I have the honor to reply to an Order of inquiry which I have received, requesting me to inform the house relative to the improvements at the State prison, authorized by chapter eight of the Resolves of eighteen hundred and sixty-seven;—whether or not the same have been completed and at what cost.

Improvements at
State prison.

The Resolve referred to placed this work under the direction of the governor and council. Accordingly I appointed a committee of the council to have the whole matter in their charge. By appointment they assigned the practical management of the improvements to the efficient warden of the prison, who has completed them in a manner which reflects upon that officer the highest degree of credit. Upon the first day of the present year he made a report to the committee of the council above referred to. That report furnishes so complete a reply to the Order of the house of representatives that I append a copy of it to this communication.

[To the House of Representatives, February 19.]

I return without my approval the Bill entitled an Act to repeal chapter two hundred and fifty-nine of the Acts of the year eighteen hundred and sixty-five, entitled an Act to establish a State Police, and the Acts and parts of Acts in addition or relating thereto.

State police.

The people of the Commonwealth, dissatisfied with the prohibitory law, uneasy under its unwonted restraints, believing it not only an infringement of personal rights, but of doubtful expediency as a question of ethics, and equally uncertain as to its moral results, have recently recorded their verdict against it by an expression of their will so emphatic and so mandatory that it must be recognized alike by the legislature and by the executive. But in this earnest utterance of their desire for a change of policy in regard to the traffic in intoxicating drinks, I fail to find satisfactory evidence that they also demand an absolute repeal of those enactments which confer upon the chief magistrate of the Commonwealth the power and the means, commensurate with his constitutional

obligations, to execute not merely the objectionable statute I have mentioned, but those other laws devised by a long succession of legislatures to preserve the morals of our community and to protect our tax-paying citizens. Indeed, in the abundant representations which have reached me from all sections of the State, alike from friends and opponents of the prohibitory law, and in my personal knowledge of the efficiency of the State Constabulary in maintaining public order and securing the ends of justice, apart from any specialty of legislation, I find strong reason to believe that the people do not desire a discontinuance of this force.

I invite the attention of the representatives of the people, uninfluenced by prepossession or prejudice, under a sense of the solemn obligations we have assumed for the faithful maintenance of the laws, and of our common responsibility to our constituents of the present time and to the generations to come, to a candid consideration of the fast-changing condition of our social life, and to the new duties thus imposed on us as legislators and citizens of a Christian Commonwealth. A prosperous commerce, progress in the arts, and the increase of manufactures have condensed our population in large towns and cities, intensified vicious inclinations, and multiplied the actual number of crimes. This is apparently the price of public prosperity and wealth. Official records display to the public gaze an alarming increase of offences against person and property; of licentiousness and gambling, as well as of insanity and pauperism that are directly traceable to lives of vice. Private reports made to the executive by his subordinate officers reveal a condition of affairs yet more deplorable. Temptations are increased manifold. Restraints are removed or disregarded. It is immaterial whether this comes from a vicious practice of passing laws with a kind of expectation that they are not to be enforced, or from the actual non-enforcement of the laws, or from both causes combined. The evil exists, and the remedy is apparent. Punishment should be speedy and sure, as speedy and sure as possible, consistent with a proper regard of personal rights and personal liberty.

To deal with this advancing demoralization, the municipal police, however honest or well-disposed, seem to a great extent inadequate. They are engrossed in the execution of local ordinances, or perhaps in some instances are withheld from efficient action by the understood or expressed desire of those in authority. Else why do these haunts of vice exist, with their full and admitted knowledge, earning the wages of iniquity in their very presence? Till this question is satis-

factorily answered we have a right to conclude, either that public sentiment has become demoralized, or that the local force is insufficient for the execution of the laws. And in either case it is apparent that public decency and order, and public justice require the maintenance of an executive body which shall not be controlled by the public sentiments of any locality ; which shall be competent in its spirit, its discipline and its numbers to a reasonable and judicious but just and impartial enforcement of the statutes of the Commonwealth.

The experience of the past two years has convinced me of the superior efficiency of the present system in the administration of our criminal laws. In the detection of crime a conspicuous degree of skill and perseverance has been witnessed, and the record of that department of the Constabulary has been marred by no mischievous and disreputable compounding of felony ; while in the arrest of desperate offenders a resolute courage has been displayed, which has more than once evoked the respect and admiration of the public. And when we consider the facility of escape afforded to the wrong-doer by our varied means of communication, it is reasonable to suppose that his opportunities for evading justice would be greatly diminished under a central bureau of police whose arm of power would reach at once to every section of the Commonwealth. In view of these facts, I feel that the chief magistrate in his efforts to maintain the supremacy of law, and to abate those pests of society, heretofore comparatively unmolested, which are a snare to the young and inexperienced of our own people and to the stranger sojourning among us, has a right to expect the co-operation of every conscientious legislator and every honorable and law-abiding citizen.

In adverting in my annual message to the expression of the popular will on the question of prohibition, I had the honor to "record my deliberate conviction that the moral and religious sentiment of our community will not tolerate the absence of all legislative provisions regarding the traffic in intoxicating drinks, but demands its restraint, regulation, control, by positive enactment." Events have only confirmed that conviction. Whether the prohibitory law be retained, unaltered or modified, or be replaced by some other form of statute, it will be equally the constitutional duty of the executive to enforce thoroughly and impartially the expressed will of the legislature when it shall have become a law of the Commonwealth. Without such enforcement it cannot command the respect of the people or stand as the settled policy of the State. Under any law of regulation certain rights

will be conferred on licensees for a consideration, and the good faith of the State will require it to make good its guaranty. That any one will seriously claim that this faith can be kept, this equality of right maintained, by the action of the local authorities, I cannot for an instant believe. Our own experience is against it. Positive evidence from abroad contradicts it. In the discussion before the committee of the legislature of eighteen hundred and sixty-seven, the great mind of the leading advocate of more liberal legislation could conceive of no other method of securing equality of right and the public safety than by a power superior to the municipal authorities.

From the State of New York I have official information that the success of the excise law has been due to the placing of the licensing and the enforcing power in a body not directly dependent on local elections, and that without this safeguard the law would have been a failure. And in support of this statement the following facts are adduced. The excise district includes three towns in Queens County, where there is no metropolitan police, but only the local constables. In these towns the law is almost wholly a dead letter. The local authorities will *not* enforce it. As a result, but twenty licenses have been taken out there, though there are one hundred and fifty avowed sellers of liquor. On the other hand, in Richmond County, which is included in the excise district, and is, like the towns of Queens County, a country district, one hundred and forty-two licenses have been taken out there, and there are *no* unlicensed vendors. The reason is, that Richmond County has a metropolitan police, while Queens County has not. This positive testimony from such undoubted authority confirms my conviction that a due regard to public justice and private rights requires that the enforcement of any law of regulation should be committed to officers compensated from the revenue received from licenses, untrammelled by local influences, and responsible directly to the executive of the Commonwealth.

Because, then, I am convinced that the great body of the people of Massachusetts have indicated no desire for the abolishment of the State Constabulary; because, in my judgment, the public interest and safety demand additional means for the sure and speedy detection and punishment of crime; and because, in the event of the passage of any such law of regulation as is obviously expected by the people, the protection of the public, the faith of the State and the rights of individuals should not be imperilled by intrusting its execution to the municipal officers, I am constrained to withhold my approval from this Bill.

[To the Senate, March 13.]

I have the honor to transmit to the General Court certain communications received from the Engineers' Department, Washington, requesting the aid of this Commonwealth in obtaining for the United States the title to tracts of land on Long Island and at Point Alderton, needed for the national defence and for the preservation and improvement of Boston Harbor; and asking a cession of the jurisdiction of the Commonwealth over the same. As these requests relate intimately to the prosecution of work in the harbor which is of great interest to the people of this Commonwealth, I respectfully invite the early attention of the legislature to the subject.

Request of U. S.
for cession of jurisdiction.

Boston Harbor.

I also transmit a communication received from the Secretary of the Navy asking a cession of jurisdiction to the United States over certain land in Charlestown adjoining the main entrance to the Navy Yard. Accompanying these papers are plans of the several tracts referred to.

Charlestown
Navy Yard.

I forward for the consideration of the legislature two communications received from the Commissioners having charge of the Soldiers' National Cemeteries at Gettysburg, Pennsylvania, and at Sharpsburg, Maryland, requesting action on the part of the several States to transfer the care and supervision of those burial places of Union soldiers, upon their completion, to the United States Government. I respectfully recommend a compliance with this request, and for the reasons in that behalf I beg leave to refer to the accompanying papers.

Soldiers' National
Cemeteries.

I also herewith transmit the Annual Report of the Adjutant-General of the Commonwealth for the year eighteen hundred and sixty-seven.

Adjutant-general's
report.

[To the House of Representatives, March 19.]

By a Resolve, chapter eighty-five, of the year eighteen hundred and sixty-seven, concerning the "Hutchinson Papers," the Governor was requested to ascertain whether any books, manuscripts or other documents now in possession of the Massachusetts Historical Society, are the property of the Commonwealth; and to take such measures as he might deem proper to determine the question of title and procure the restoration of the same to the Library of the Commonwealth; and report to the present General Court the results of his action under the Resolve.

Hutchinson Papers in possession
of Mass. Historical
Society, right
of the Commonwealth to.

I inclose herewith copies of the correspondence which has occurred between the Executive and certain officers of the Historical Society relative to this subject. It will be perceived from the communication of Messrs. Ellis, Parker and Washburn that the title of that society to the papers in dis

pute rests upon allegations which it is not in the power of the Executive to controvert without a thorough investigation, which it is more practicable for the legislature than this Department to pursue.

I therefore respectfully suggest that all the facts necessary to a just conclusion in this matter can be best ascertained upon an investigation made by a legislative committee clothed with power to send for persons and papers, and to examine witnesses under oath. This power seems essential in a case like the present; but the Governor does not possess it under our laws.

[To the House of Representatives, April 17.]

Imprisonment of
Wm. C. Nugent.

In compliance with the request of the legislature, I forwarded to the Secretary of State of the United States a copy of the memorial of Richard Nugent relative to William C. Nugent, an adopted citizen of the United States and of this Commonwealth, and asked the prompt attention of that officer to the case as set forth in the Resolve.

I have received from the honorable William H. Seward, Secretary of State, a reply to my communication, and a copy of the correspondence is hereto annexed.

It will be perceived that before any action of the legislature in relation to this subject, upon representations made to the department, the Secretary of State and the Minister of the United States at London had taken most prompt and honorable measures to procure the release of Nugent, and these efforts appear to have been attended with such success that the person named has been released and is on his way to the United States.

[To the Senate, April 18.]

Boston Dental
College.

I respectfully return to the Senate, in which it originated, the Bill entitled, "An Act to incorporate the Boston Dental College."*

In cordial sympathy with every measure looking to the diffusion of knowledge among the people, I can freely concur in the general purposes of this bill, so far as it tends to developing and perfecting a useful and honorable profession. But in examining its details, I notice a remarkable omission, which does not occur in any similar Act in the legislation of this Commonwealth, so far as I have been able to discover. Its first section grants the "right to confer the degree of doctor of dental surgery," without any of the qualifications or conditions which hitherto, by an unbroken line of prece-

* This Act having been put upon its final passage in the manner provided by the Constitution, two-thirds of the Senators present and voting thereon having failed to "agree to pass the same," it was declared lost, and the Act was subsequently passed in a new draft, and received the approval of the Governor.

ments, have been, by the General Court, attached to analogous grants. It appears upon investigation that the New England Homœopathic Medical College, established in eighteen hundred and sixty-seven, is only permitted "to confer the degree of doctor of medicine, subject to the restrictions and regulations which are adopted and required in conferring the same degrees" by like corporations previously chartered. Also, that the same restrictions, in conferring degrees, are applied to the Worcester Medical Institution, the school of eclectic medicine, chartered in eighteen hundred and forty-nine, and invested with the power of giving degrees in eighteen hundred and fifty-one. And that the Berkshire Medical College, founded in eighteen hundred and twenty-three, is empowered to confer its degrees only "under the same rules and restrictions as are adopted and recognized in conferring degrees of the same nature" by the only medical corporation then existing in the Commonwealth.

But in the bill now before me, this rule of just impartiality, enforced or maintained by successive legislatures for nearly fifty years, in the interest of sound learning and professional competency, and for the protection of all the people of Massachusetts, would seem, perhaps inadvertently, to be entirely ignored. The diploma of the schools is understood to imply that its recipient has completed a prescribed course of study, and has passed an examination deemed to be a suitable test of his fitness to enter upon the duties of his chosen profession. This is recognized by our people as an endorsement of that competency by the men most experienced and most reliable in such departments of professional pursuit. It is a safeguard to the people; too valuable to be trifled with; so indispensable that we cannot afford to attempt to overthrow it. And yet, in the bill which is now returned, this endorsement of professional skill and capacity may, at the mere caprice of the corporation, be conferred upon the student of a day, or be withheld from the patient toiler for years. The reasonable and equal standard adopted in all our schools of medical science is, as it seems to me, inadvertently thrust aside; and uncertain methods are to usurp the place of that steady persistence in professional study which has hitherto been necessary to secure the approbation of experts and the confidence of the intelligent public. I cannot consent by any act of mine to sanction a departure from that thorough training which has given to the scholars of Massachusetts pre-eminence in the land, and to her statesmen, her jurists, and her men of science a reputation not bounded by either ocean, and scarcely dimmed by the lapse of time.

I am happy to believe that the sentiments I have expressed will not only commend themselves to the older and more conservative of our people, but will receive the cordial approval of the young men who have been drilled in our public schools and seminaries of learning, trained to thoroughness and accuracy in our counting-rooms, and inured to skilled labor in our workshops and factories. I therefore deeply regret that a school of science, which may prove so useful to those pursuing its specialty, should include in its organic act a germ of distrust and a certain source of the loss of dignity and prestige. And I can but hope that a reconsideration of the subject will induce its friends to consent to such changes as will tend to elevate it to that position of commanding respect already attained by other schools of medical science.

Because then this bill is not, in my judgment, in the interest of good learning and thorough education; because it will form a precedent which will expose a confiding public to the impositions of partially taught and irresponsible practitioners; because it is unequal in its operation, and will necessitate the conferring upon all similar existing medical corporations of the unrestricted power to grant degrees; and because I believe that the usefulness and standing of the proposed corporation will be greatly impaired by the omission of the usual restrictions, which might however be so modified as to meet its peculiar needs, I am constrained to withhold my approval therefrom in its present form.

[To the House of Representatives, April 23.]

License law.

I have the honor to inform the House of Representatives, in which it originated, that the bill entitled, "An Act to regulate the sale of intoxicating liquors" has to-day become a law of the Commonwealth by its failure to receive the approval of the Governor within the limits of time prescribed by the Constitution.

Having publicly recognized in my annual message the judgment of the people as decisively favoring a change of policy in regard to the traffic in intoxicating drinks, I have no desire to thwart their will as expressed through a General Court elected on this specific issue. I am content that the responsibility for this legislation should rest where it has been placed by the deliberate action of my fellow-citizens; and to remit to them, as the tribunal of final resort, for their approval or reversal, the policy adopted by their immediate representatives.

But I am not content that the withholding my formal assent to this bill shall be construed as a tacit approval of its provisions, or as indifference to the important principles it involves. I desire, by this direct method, to place upon record my earnest conviction that the restrictions it provides are not in accordance with the measure of regulation demanded by the people of the Commonwealth.

I am not unaware that, by a summary and unconditional repeal of existing statutes, it imposes a heavy burden upon the treasury; and that, releasing convicted violators of law in large numbers from the penalties due to their offences, it makes no provision to exclude them from the full privileges of the Act; while a violation of the Act itself not only works a forfeiture of these privileges, but subjects the offender to fine and imprisonment. And further, that it remits to the chances and vicissitudes of municipal action, at annual meetings, that grave and momentous authority of legislating for the whole people of the Commonwealth by their representatives in General Court assembled, which is our constitutional guaranty for the enactment of laws impartially affecting and restraining all.

While I am not insensible to these and other minor but yet serious objections, I feel that there is another, which, in the magnitude of the threatened evil, overshadows all. The fourth section of the bill throws open public bars and tippling houses in every quarter of the State. It leads into temptation the young and the weak; it spreads a snare for the stranger and the unwary. It replaces thrift with waste; and the peace of quiet neighborhoods with boisterous and reckless disorder. It is destructive to the influences of the family and the fireside; adverse to good morals; and repugnant to the religious sentiment of the community.

To a measure like this, which as a citizen I could not support, as the Chief Magistrate of the Commonwealth I cannot affix my signature in approval; and declining to return it with my objections, for the reasons I have given, I refer it to the judgment and the conscience of all the people of Massachusetts.

[To the House of Representatives, May 9.]

I herewith return without my approval the bill entitled "An Act for the better enforcement of the laws." State Constabulary.

This bill only differs from a previous proposition to repeal the Acts and parts of Acts establishing the State Constabulary, in that it proposes to substitute for that effective body of State officers a special corps in each county "for the better enforcement of the laws."

Having set forth distinctly in my communication to the House of Representatives of the nineteenth of February last, my judgment as to the superior efficiency of the present system, and my objections to its abandonment, I deem it unnecessary to repeat them here, especially as they have failed to satisfy the House of Representatives upon a full opportunity to reconsider and revise the bill then laid before me. It only remains to state concisely those objections to the present substitute proposed which compel me to withhold my assent from the measure.

It contemplates the appointment of a special force of deputy sheriffs in each county, not however to exceed ten, who shall devote their time and efforts to the prevention and detection of crime, and the prosecution and conviction of violators of any of the laws of the Commonwealth. These officers are to be selected and controlled by the respective sheriffs: their number only is to be regulated by the Governor and Council, subject to the limitation just mentioned. For the purposes named I deem this force altogether inadequate in numbers and efficiency. Even should the appointment of the maximum number be directed by the Governor and Council, it would allow in the larger counties but one officer to a population of more than twenty thousand, for the duties of prevention, detection, prosecution and conviction. And yet it is in these counties that the aggregation of population is accompanied by a disproportionate increase of vice and a multiplication of crimes. But further, being simply local officers, and limited in their action by county lines, they would be without that advantage of mutual communication and assistance which renders a State force, directed by a central bureau, even though no larger numerically, so formidable and effective by its ability to unite its clues of information, combine its counsels and mass its men. It should not be forgotten that the limitation of a detective force to narrow confines impairs its efficiency, and furnishes to offenders increased facilities for eluding or baffling the officers of the law; while from a *State* Constabulary there can readily be organized a corps of picked men, who can render service with advantage in any section of the Commonwealth.

But there is yet another element of confusion. The proposed force is virtually elective; for the sheriffs, who hold the appointing power, are chosen by a mere plurality of votes in their several counties. It can hardly be denied that upon sundry enactments, defining certain acts as crimes, and affixing thereto the penalties of fine and imprisonment,

there are grave differences of opinion according to localities; and it is only reasonable to suppose, what municipal experience for the past few years has fully confirmed, that the action of the appointing officer and of his deputies will be more or less influenced by the sentiments of his own local constituents as expressed at the ballot-box. Hence will inevitably arise, in some sections of the State, a laxity, and in others, a rigor of execution, which will thwart that just and impartial administration of the laws which is the constitutional right of every citizen. If, as is unfortunately the case in some other communities, it should ever happen here that the turbulent element should prevail in any of our electoral districts, the condition of the occupancy of public position will be a virtual pledge to nullify the laws of the Commonwealth.

To give up the present force for one thus constituted, appears to me a substitution of division for union, of weakness for strength, and as exceedingly unlikely to result in a "better enforcement of the laws." Indeed it is not impossible that, in the approach for the past two years to their thorough and impartial execution by the energy of a compact and homogeneous force, the outcry of convicted violators of law and wrong-doers, hampered in their nefarious work, may have been hastily and erroneously construed by some as the demand of a majority of the people for a change in the instruments of enforcement. But in the voice of the press, and in the representations and appeals which have come to me from all quarters of the State, I find a confirmation of my judgment, previously expressed to the legislature, that the people do not desire the discontinuance of the present force. The admonitions which reach us from the other States, and their persistence in retaining the constabulary power where it cannot be controlled or affected by the vote of the large cities and towns, ought not to be lightly regarded by us. And for myself, I trust the time is far distant when throughout the borders of Massachusetts the strong arm of a government of the people will fail to secure for every citizen, however humble, the same assurance of protection and personal safety that awaits him as a sojourner in imperial France, or as a traveller through any city or village of the mother country.

Passing by other considerations of moment, I object to this bill that it detracts from the powers conferred for the common welfare upon the Executive Department of the Commonwealth, taking therefrom practically the means of enforcing general laws, and vesting them in local officers,

who are responsible only to their immediate constituents and not to the whole people. It is no relief to this state of facts that the fourth section of the bill confers upon the Governor certain powers over "the municipal force in any place;" for that will indeed be an "emergency" when the Chief Magistrate of the Commonwealth shall be compelled to assume in person the duties of a chief of local police. A careful examination of this section, which is borrowed in the main from the fifth section of the Act to establish a State Police passed in 1865, proves that it has been materially changed from the intent of the original.

As the point that a municipal force alone is insufficient for the execution of the laws appears to be conceded in this bill, I am unable to see why administrative efficiency should be impaired by distributing the executive power among fourteen distinct officers, having no mutual relations or system of co-operation; and if fourteen executive heads are better than three hundred and thirty-five, why one central bureau, exerting a uniform action over and in behalf of the entire State, should not be preferred to fourteen.

But viewing this measure apart from its general bearings, and with special reference to recent legislation, I am strengthened in my conviction of its want of adaptation to the existing exigency. A law purporting to regulate the traffic in intoxicating drinks is now upon the statute book. It is received with distrust by a large portion of the people; and I feel bound, so far as it rests upon me as a magistrate, to insist that a statute like this shall be executed under every safeguard provided by existing laws; by the special force whose experience qualifies them for the task, and as far as possible in the interests of sobriety and good order, until the people of the State shall have an opportunity once more to pronounce their judgment. Changes of systems of police involve at all times grave responsibilities and should not be undertaken without the weightiest cause. I am not convinced that such cause has been shown, or that a force which will be virtually created in the heat of the next general election will be likely to secure any better enforcement of the law than is secured by the present State Constabulary.

In view of the objections previously communicated to the legislature; because I believe that the force proposed to be substituted for the State Police is inadequate in number, inefficient in administrative powers through a lack of co-operation and centralization, and mischievous in its tendencies through a dependence upon local constituencies whose varying verdict will embarrass and prevent an impartial admin-

istration of the laws; and because I am satisfied that the rightful prerogatives of the Executive Department are thereby infringed to the sacrifice of the best interests of the people, to the injury of good morals, and the detriment of law and order,—I have withheld my approval from the bill.

[To the House of Representatives, June 4.]

I transmit herewith the Report of the Commissioner appointed under Resolve of 1867, chapter 84, on alterations, repairs and improvements of the State House. This Report was forwarded to the executive rooms in my absence on official business, on Monday, the first instant, and my engagements, as well as absence a portion of the time since, have delayed its transmission to the legislature till now.

Repairs and improvements of State House.

The work has been prosecuted by the Commissioner with fidelity and ability, and the improvements made are such as to commend themselves to favor.

Much has been accomplished which was not embraced in the original plans contemplated by the Resolve, and it will be perceived that an additional appropriation will be required to cover the expense of the same of \$94,320.88.

[To the Senate, June 11.]

I herewith return to the Senate, in which it originated, a Bill entitled "An Act to incorporate the Maverick Bridge Company," which I am unable to approve. The late period of the session at which this very important measure has been enacted—at a time, too, when numerous other enactments of great importance are presented to the Executive for revision, the consideration of which requires time for proper investigation—prevents me from making to your honorable body so full a statement of the reasons which compel my dissent from this bill as would otherwise have been possible. Passing by, therefore, various minor objections to details of the bill, which, under other circumstances, I should suggest to your attention, the main reasons which compel my dissent are briefly these:

Maverick Bridge Company.

First. I am not satisfied that the proposed structure will not lessen the depth of water in the ship channels of the harbor by shifting the places of deposit of the material which is brought down by the tidal and river currents; and without being so satisfied, I can under no possible circumstances approve of its erection.

I am advised by Professor Benjamin Peirce, the Director of the United States Coast Survey, (whose capacity to pass an intelligent judgment on the question is indisputable, and who, as a citizen of Massachusetts, long residing in the

immediate vicinity of Boston, can have none but the true interest of the commercial capital at heart,) that such, in his opinion, will be the result. And I am further advised that such also is the opinion of other eminent scientific authorities. I have no need to enlarge on the detriment which the structure will produce to the welfare and importance, not only of Boston and Massachusetts, but of all New England, if it shall be erected and be found to cause such an effect. The local benefits which it would confer would be but slight compensation for the misfortune of shoaling, by ever so few inches, our harbor channels.

Second. I am advised by large deputations of eminent merchants of Boston and its vicinity, that the proposed structure will injure the maritime commerce of the capital in various ways, among which are the following:

(1.) By lessening the anchorage ground in the harbor, which is already very limited.

(2.) By diminishing the area of wharfage at and near both termini of the bridge. And I desire to call your attention to the fact that the bill does not designate the points of termination of the bridge on either side of the harbor, but leaves to the option of the corporators the selection of them anywhere along a line of several hundred yards on each shore.

(3.) By diverting foreign commerce to other localities, perhaps to other ports, as the wharves now principally devoted to that branch of our trade, which is carried on in vessels of the greatest draught, are situated above any line on which it is probable that the bridge would be built.

(4.) By the diminution of all the various and extensive trade along the shores of Boston, Charlestown, Chelsea and Cambridge, which lie above the bridge, certain to result from interposing such an obstacle, which, according to this bill, is not to be raised to a height sufficient to permit the free passage of any class of vessels, but is to be traversed by them only by means of a draw.

Third. I am informed by the commandant of the Navy Yard at Charlestown, that certainly the interests, and, in his opinion, the rights, of the United States in that establishment, will be infringed by such a structure.

Fourth. The Harbor Commissioners of the Commonwealth, and the distinguished military and civil engineers who are engaged on the public works in the harbor, are unanimous in condemning the project as injurious on the foregoing and on other grounds; and to their judgment, in a matter so directly within the province of their investigation, I am

constrained to render great deference, since I cannot regard it other than intelligent and impartial.

It is said that there are grave constitutional objections also to the assumption of power by the legislature of a State to authorize such an erection over navigable waters. But in the light of the decision of our Supreme Judicial Court, in the case of the Commonwealth *vs.* The Proprietors of the New Bedford Bridge, 2 Gray's Reports, pp. 346, 347, I do not doubt our right and power over the subject, provided our enactments do not interfere with the regulations of Congress; and neither can I doubt the right and power of Congress to interpose at its discretion, and overrule the legislation of the State. Nor have I doubt that, if this bill shall, by your action, become a law, the interposition of Congress will be sought; and, even if the structure were otherwise unobjectionable, I respectfully suggest whether, as the interests and rights of the Federal Government, not only as the guardian and regulator of commerce, but as itself the actual owner of an immense property at Charlestown and Chelsea and Watertown, are directly affected by the question, it would not be a suitable course to seek first the opinion of Congress as a guide to the legislation of the Commonwealth.

Suggestions have been made from respectable and intelligent sources, that this measure has been precipitated, and that the Executive sanction should be withheld from the bill in order to make delay, because the merchants of Boston have not believed that it was a serious project, and therefore have neglected to remonstrate with the legislature concerning it as they otherwise might have done, and as it is represented they will do in the future. I hardly need to remark that to such suggestions I give no consideration, and that they deserve none; in the first place, as conveying an unjustifiable imputation on your honorable body; and in the next place, because no class in the community has any right to appeal to the Executive for protection against its own negligence. I rest no objections to the bill on such grounds.

But, in reference to a matter of such vast importance, which affects directly or indirectly the value of at least a hundred million dollars' worth of property along the shores of Boston and neighboring cities; enhancing it in some quarters, diminishing it in others; which brings us into positive conflict with the Navy Department of the United States, and into possible conflict with Congress; which is disapproved by the Harbor Commissioners and the engineers employed in the harbor of Boston; which is condemned by

certainly a large part of the mercantile community as, on the whole, more injurious than beneficial, apart from any consideration of its effect on the depth of water in the channels; and which, more than all, in the judgment of competent scientific authorities, will result in shoaling the whole harbor; I am unable to give my approval without further discussion and further information to enlighten my judgment than is now possible without delay.

I fully appreciate the local benefits which are expected to result from it to East Boston. I wish for the prosperity of that locality, that it were possible to attain those benefits in some other way than at the risk of great injury to a community embracing more than the whole of this Commonwealth, and of which the people of East Boston are but a small fraction. But as, after such investigation as I have been able to make, such injury seems to be a probable result of the measure, I cannot give it my assent.

If, upon reconsideration, the General Court shall be led to give such weight to these opinions as to concur in a postponement of the enterprise, I trust that I may not be considered to exceed the limits of Executive revisal in respectfully suggesting that the bill be referred to the next legislature; and that a commission be specially appointed, or the duty imposed on some existing commission, to investigate meanwhile and report next January upon all the grounds on which the project is now either opposed or advocated. Possibly also Congress, at its present session, might think advisable to appoint a commission in behalf of the United States to act in concurrence with our own. And if, in the light of the report of such a joint commission, the objections which it has been my duty to set forth, shall be shown to be groundless, the measure can then be carried into effect with confidence in its beneficial results.

[To the Senate, June 12, 1868.]

Hartford and
New Haven
Railroad Com-
pany.

I return, without my approval, the bill entitled, "An Act repealing a part of the 87th chapter of the Acts of the year 1852."

This bill provides that "so much of the Act of the year 1852, entitled an Act authorizing the Hartford and New Haven Railroad Company to increase their capital stock, as authorizes said company to make any lawful contract, and merge or make joint stock with any other railroad company, without the limits of this Commonwealth, is hereby repealed." The Hartford and New Haven Railroad Company is a corporation holding charters and valuable franchises under both the State governments of Massachusetts and Connecticut. The

main trunk of its road is sixty-two miles long, and extends from New Haven, in Connecticut, to Springfield, in this State. It has also three or more branches. Six miles only of the whole road lie within this State.

Over that portion of the road which lies in Connecticut, our State, prior to 1852, had no control, and, of course, could obtain none by adverse legislation. In that year, the papers before me indicate that the corporation asked of the Legislature of Massachusetts authority to consolidate with any railroad company owning a branch of said road, or "with any other connecting line without the limits of Massachusetts, in such manner as might be authorized by the General Assembly of Connecticut." The legislation thereupon adopted seems to be in the nature of a contract. The company are to have the authority asked for, in consideration of opening their charter controlling that portion of the road lying in Connecticut, and thereafter becoming "subject to all the general laws of this Commonwealth to the same extent as if their road were wholly therein."

This legislation could not become binding upon the company, as to the portion of their road lying in Connecticut, without their consent; but by accepting the Act, it became binding upon them as a contract; and I am not informed that complaint is made that they have not faithfully observed its requirements. I respectfully submit for the reconsideration of the Legislature, whether the repeal which this bill proposes to effect of that portion of the Act which was favorable to the company and conferred franchise upon it, while we retain the benefits secured to our Commonwealth by the acceptance and adoption of the Act on the part of the company, is consistent with public faith and honor, or with our constitutional obligations.

The Act of 1852 confides to the General Assembly of Connecticut the regulation of such Acts of consolidation or merger as may be had within the limits of that State. Such, it appears to me, is the only just construction of that law. The policy of consolidating continuous roads has been adopted by us in reference to our own most important line of railroad; and although a considerably longer section of that road was in the State of New York than the six miles of the road of this company in our State, we acted upon the reasonable expectation that the consolidation at Worcester would be permitted by the State of New York, subject only to such fair regulations as we should adopt; and the comity of our sister State verified our anticipations. By the Act of 1852, we specially committed the regulation of such

consolidation or merger as might be had by the road now in question, with roads in the State of Connecticut, to the General Assembly of that State. Such consolidation has, since that Act, been so regulated by that General Assembly in two or three instances; and I am informed that a proposal for consolidation with the New York and New Haven Railroad Company is under consideration by a committee of that Assembly. Will it be consistent with the comity which we expected and received from the State of New York under similar circumstances, and which States so intimately related (especially in railroad system and necessities,) as Massachusetts and Connecticut, ought to extend to each other, if we now adopt this bill, and thereby substantially declare our want of confidence in the discretion and careful legislation of the General Assembly of Connecticut over a subject as fully within their jurisdiction as the consolidation of the Boston and Worcester, and the Western Railroad Companies, was within ours, and which we, by the Act of 1852, seem to have specially referred to them?

The returns made by this company, since the Act of 1852, indicate that consolidation has been had with some branch roads in Connecticut. Important contracts for consolidation with another branch road are said to have been made, which are not completed. Without such knowledge as should govern my official action in this particular, I submit to your reconsideration that this bill, if otherwise unobjectionable, should have guarded the corporations which might be affected by it against unnecessary injury, by reserving all rights acquired by this, and other companies, under Acts of merger or consolidation heretofore had, or under such agreements for consolidation as have been heretofore made.

Whether the effect of this measure on the interests of stockholders be favorable or adverse, (which in questions vitally affecting the general interest, should not be too closely regarded by public-spirited and patriotic legislators,) it cannot fail to postpone that unity of interest between Boston and New York which is demanded for our commercial welfare, and by the spirit of our time, and which has already been aimed at by this Commonwealth in the railroad connection between Boston and Albany.

Because then this bill, in my judgment, tends to make the public welfare subservient to individual advantages; and because it seems to me to impair the sanctity of contracts, and to infringe that comity which should always be observed between neighboring States, I am compelled to withhold my approval therefrom, and to submit it to the careful reconsideration of the legislature.

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CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1897.			
January 21, .	Susannah Odessa Benedict,*	Susannah Odessa Tune, .	Boston.
" 21, .	Addie Maria Eldridge,*	Agnes Lee Calder, .	Plymouth, N. H.
February 4, .	William Henry Chase,*	William Henry Nutter, .	Boston.
" 4, .	Matthew Lynch, .	Matthew Leeds, .	Boston.
" 11, .	James Henry Sutherland,	William Henry Bartholomew,	Durham, C. E.
" 25, .	Mary Donovan,*	Idia Olivia McCurdy, .	Boston.
" 25, .	Nellie Maria Huntress,*	Nellie Everett Perkins, .	Haverhill,
March 25, .	Willie Edwin Loomis,*	Willie Edwin Harding, .	Chelsea.
" 18, .	Hiram Bingham Chamberlain,	Frank Hiram Chamberlain, .	Boston.
April 15, .	Adelaide Russell,*	Mildred Miers Fox, .	Chelsea.
" 29, .	John Norris Page,	John Paige Prescott, .	Boston.

CHANGE OF NAMES.

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May 18,	Emma Allen Battelle,*	Emma Thoresa Harriman,	Taunton.
June 10,	George Washington Murphy,	George Washington Freeman,	Boston.
" 10,	Henry Augustus Smith,	Henry Smith Waldron,	Boston.
" 17,	Miriam White Cary,	Miriam White Priest,	Boston.
" 28,	Albert Burroughs Short,	Albert Burroughs,	Boston.
August 12,	Carrie Susannah Savage,*	Elizabeth Davis Stowell,	Danvers.
" 12,	Mary Ellen Thorp,*	Mary Ellen Martin,	Boston.
" 26,	Edward Francis Blaisdell,*	Frank Blaisdell Wilder,	Boston.
" 26,	Euphemia Fenno Tudor,	Fenno Tudor,	Boston.
" 26,	Charles Frederic Young,*	William Henry Haley,	Boston.
September 2,	John Prince Larkin Thorndike,	John Larkin Thorndike,	Boston.
" 9,	Mary Alice Croker,	Elizabeth Kennedy,	Boston.
October 8,	Mary Adams Blancher,*	Mary Blancher Kingsbury,	Cambridge.
" 8,	Samuel Hinckley,	Samuel Parker Hincley,	Boston.
" 8,	Eva Jackson,*	Eva Andrews,	Montreal, C'da.
" 8,	Abby Maria Smith,	Caroline Maria Smith,	Boston.
November 11,	Ellen Watson,*	Ellen Watson Johnson,	Boston.
December 30,	Walter Charles Nickerson,*	Walter Charles Johnson,	Boston.

* Minor, name changed by reason of adoption.

CHANGE OF NAMES.

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1887.			
March 5, . . .	Frank Reed,* . . .	Frank Carr Stearns, . . .	Lynn.
April 9, . . .	Mary B. Hinkley,* . . .	Mary B. Burgess, . . .	Gloucester.
" 16, . . .	Nellie Chapman, . . .	Nellie M. Roundey, . . .	Marblehead.
May 11, . . .	Easter Ellen McGraw,* . . .	Easter Ellen Parker, . . .	Lawrence.
" 11, . . .	Sarah Jane McGraw,* . . .	Sarah Stevenson, . . .	Lawrence.
" 11, . . .	Samuel McGraw,* . . .	Samuel Battye, . . .	Lawrence.
" 21, . . .	Kingsley G. Norton,* . . .	Evander Sherman Brummitt, . . .	Danvers.
June 4, . . .	Linette Adams,* . . .	Susan Williamenor Smith Thomas, . . .	Lynn.
" 4, . . .	Jane Theresa Weeks,* . . .	Mary Marshall, . . .	Rockport.
July 16, . . .	Edgar Warren Barrett,* . . .	Charles Henry Vincent, . . .	Lynn.
" 16, . . .	Sarah Elvina Migreault,* . . .	Sarah Alvina Charon, . . .	Lawrence.
August 6, . . .	Sarah Maria Adams,* . . .	Sarah Alley Aborn, . . .	Lynn.
" 6, . . .	— Lufkin,* . . .	James Frederic Haskell, . . .	Essex.
" 6, . . .	Walter S. Noyes,* . . .	Walter S. Buxton, . . .	Salem.
September 17, . . .	Lizzie Howard Chase, . . .	Lizzie Howard Chase Folsom, . . .	Georgetown.
" 17, . . .	Amanda Welch, . . .	Amanda Gertrude Smiley, . . .	Lynn.

CHANGE OF NAMES.

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MIDDLESEX COUNTY.

January 8, .	Alice Dascomb,*	Alice Maria Cleland, .	Natick.
February 12,	Charles Greenough Lincoln,*	Greenough Lincoln Bill,	Framingham.
" 12,	George Edward Lincoln,*	George Edwin Parmenter,	Waltham.
" 12,	Oliver Craven Phillips,*	Oliver Craven Parker, .	Woburn.
" 26,	Joseph Allen Smith,*	William Jason Tolman,	Newton.
" 26,	Ada F. Williams,*	Myrtle Madaline Bullard,	Hudson.
March 12,	Fred W. Jenness,*	Fred Wellman Jenness,	Lowell.
" 26,	Walter Aiken,*	Frederick Willis Patterson,	Charlestown.
" 26,	George Rice,	George Elhanan Rice,	Lexington.
April 2, .	Maria A. Burns, .	Maria Arnold French, .	Lowell.
" 23,	Margaret Jane Woods,*	Margaret Jane Hodge, .	Lowell.
" 23,	Susie Carr,*	Nellie Eliza Morse, .	Lowell.
May 14, .	Ellen Bean,*	Edna Gertrude Parker,	Lowell.
" 14,	Sarah E. Rogers, .	Sarah Evelyn Atkins, .	Cambridge.
June 4, .	John Keenan,*	John Birkenhead, .	Lowell.
" 25,	James Thomas Penn,*	James Thomas Lord, .	Chelmsford.
" 25,	Arthur Bemis,*	Arthur Greenwood, .	Marlborough.
August 13, .	Edgar Ames Dean,*	William Edgar Holmes,	Holliston.

* Changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1887.			
August 13, . . .	George Edward Dixon,*	Joseph Dixon Lane, Junior, .	Lowell.
" 13, . . .	Annette E. Wallace,*	Nettie Jennie Gibson, .	Marlborough.
" 13, . . .	Mary Elizabeth Belcher Patten,	Mary Florence Patten, .	Waltham.
" 13, . . .	William Durant Bullard,	William Bullard Durant, .	Cambridge.
" 27, . . .	Mary Ann Flavin,*	Mary Ann Flynn, .	Marlborough.
September 10, . . .	Albert Heidenrich,*	Herbert Reed Brigham, .	Marlborough.
" 10, . . .	Freddie Heidenrich,*	Feddie Ellsworth Wilkins, .	Marlborough.
" 10, . . .	Flora Holt,*	Annie Florence Whitney, .	Natick.
October 1, . . .	Ella Jane Hemphill,*	Ella Hemphill Perry, .	Marlborough.
" 8, . . .	Chastina Cullis Gould,*	Chastina Cullis Holbrook, .	Charlestown.
" 22, . . .	Benjamin Roundy,*	Benjamin Richmond, .	Melrose.
" 22, . . .	Cora E. Whittemore,*	Cora Maria Newhall, .	Malden.
November 12, . . .	Bessie Lena Robbins,*	Harriet Folsom, .	Somerville.
December 10, . . .	Mary Heald Underhill,	Mary Heald Dix, .	Woburn.
" 24, . . .	Franklin Augustus Keene,*	Franklin Augustus Young, .	Cambridge.
" 24, . . .	Nellie Fairbank,*	Nellie Hammond, .	Wayland.

CHANGE OF NAMES.

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WORCESTER COUNTY

January 1, .	Frances Taylor, .		Addie La Frances Sessions,		Worcester.
February 5,	Julia Emma Sullivan, .		Emma Julia Meriam, .		Worcester.
" 5,	Frederic Tatman Sullivan,		Frederic Tatman Meriam,		Worcester.
" 5,	Sarah Ellen Browning,		Sarah Ellen Boyce, .		Spencer.
" 5,	Mary Lizzie Hynes,		Mary Lizzie Jaquith, .		Ashburnham.
March 5,	(Name unknown,)		Helen Eliece Flint, .		Ashburnham.
" 5,	(Name unknown,)		Anna Frances Hubbard,		Holden.
" 5,	Sarah G. Kittredge,		Sarah G. Osborn, .		Harvard.
" 5,	Cora Luella Thresher, .		Cora Luella Harwood, .		Barre.
" 5,	Mary Lizzie Nichols,		Lillie Estelle Sheldon, .		Worcester.
" 5,	George Henry Sanger, .		George Henry Lackey,		Milford.
April 2,	Charles W. O. Bailey, .		Charles William Cook,		Lunenburg.
May 7,	(Name unknown,)		Flora Estella Lakin, .		Paxton.
" 23,	Delia Ellsworth Lane, .		Delia Mary Lane, .		Ashburnham.
" 21,	Mary Blake, .		Ella Josephine Haskell,		Harvard.
June 4,	Cora Ella Holbrook, .		Cora Ella Hunt, .		Milford.
" 4,	Minnietta May Hynes,		Minnietta May Bean, .		Ashburnham.
" 4,	Agnes Arabella Aldrich,		Agnes Aldrich Barry, .		Worcester.

* Changed by reason of adoption.

CHANGE OF NAMES.

WORCESTER COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1887.			
June 4, . . .	Cynthia Rosella Bartlett,	Cynthia Rosella Page, .	Lunenburg.
" 11, . . .	Mary Ella Ainsworth, .	Ella M. Bowler, . . .	Athol.
July 2, . . .	Eva Arabella Randall, .	Eva Arabella Lord, . .	Templeton.
" 2, . . .	Alice Eldora Randall, .	Alice Eldora Lord, . .	Templeton.
" 2, . . .	Frederick Howard Randall,	Frederick Howard Lord,	Templeton.
September 8, . .	Fidelle Asenath Edwards,	Fidella Asenath Temple,	Worcester.
" 8, . . .	Ella Slate Edwards,	Ella Slate Woodruff, .	Worcester.
October 1, . . .	Joseph Malbeuf, . . .	Joseph Bonneville, . .	Worcester.
November 5, . .	Frank T. Miller, . . .	Frank T. Little, . . .	Phillipston.
" 5, . . .	Josephine Rich, . . .	Nellie Maria Johnson, .	Templeton.
" 5, . . .	Anna Mabel ———, . .	Anna Mabel Sly, . . .	Worcester.
December 8, . .	Rose Alma Worthing, .	Mina Florence Revere,	Worcester.
" 8, . . .	Caroline A. Hiseox, . .	Caroline A. Grayson, .	Worcester.
" 8, . . .	Harriet Elizabeth Swain,	Harriet Elsie Warner, .	Harvard.

CHANGE OF NAMES.

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HAMPSHIRE COUNTY.

January 1, . . .	Nettie Grace Dodge,* . . .	Nettie Grace Searle, . . .	. . .	Northampton.
February 5, . . .	Luther Eaton,* . . .	Frederick Arthur Crouch, . . .	. . .	Southampton.
April 2, . . .	Nellie P. Bray,* . . .	Nellie Parsons, . . .	. . .	Northampton.
August 20, . . .	Clara R. Watson,* . . .	Clara R. Bardwell, . . .	. . .	Granby.
July 2, . . .	Mertie Frances,* . . .	Mertie Frances Hall, . . .	. . .	Northampton.
June 4, . . .	Edward Whiting Harris,* . . .	Edward Harris Bell, . . .	. . .	Southampton.

HAMPDEN COUNTY.

March 5, . . .	Sarah Ella Roberts,* . . .	Sarah Ella Hendrick, . . .	. . .	Holyoke.
" 5, . . .	Francis P. Miles,* . . .	Francis Plimpton Keyes, . . .	. . .	Springfield.
May 7, . . .	Ellen Clifford,* . . .	Nellie Emma Moore, . . .	. . .	Springfield.
" 7, . . .	Willie A. Knox,* . . .	Willie A. Burdick, . . .	. . .	Blandford.
July 2, . . .	Joseph Lovegen,* . . .	Joseph Francis Runell, . . .	. . .	Holyoke.
November 5, . . .	Mary Calinda Roberts,* . . .	Annie Elizabeth Nevers, . . .	. . .	Springfield.
" 5, . . .	Nameless,* . . .	Cora Taylor Smith, . . .	. . .	West Springfield.
December 14, . . .	Hattie Annie Bailey,* . . .	Hattie Annie Lyman, . . .	. . .	Chester.

* Changed by reason of adoption.

CHANGE OF NAMES.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1887.			
February 12, . . .	Matthew Nunney,*	Matthew Nunney Barlow, . . .	Buckland.
August 6, . . .	Henry Bryan,*	Wm. Henry Smith, . . .	Whately.

* Changed by reason of adoption.

BERKSHIRE COUNTY.

March, 5, . . .	Martha Elliott, . . .	Carrie Elliott Warner, . . .	Pittsfield.
June 4, . . .	Lillie M. Brown, . . .	Lillie May Harder, . . .	Williamstown.
November 12, . . .	Emma Louisa Savage, . . .	Emma Louisa Chickering, . . .	Pittsfield.
December 3, . . .	Carrie Bell, . . .	Carrie Bell Deming, . . .	Hinsdale.

NORFOLK COUNTY.

February 9, . . .	— Tripp, . . .	Flora Estella Pond, . . .	Foxborough.
June 29, . . .	Job Ramsbottom, . . .	Job Wilson, . . .	Walpole.
" 29, . . .	Mary Elizabeth Ramsbottom, . . .	Mary Elizabeth Wilson, . . .	Walpole.
" 29, . . .	John Arthur Ramsbottom, . . .	John Arthur Wilson, . . .	Walpole.

CHANGE OF NAMES.

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June 29,	Anna Florence Ramsbottom,	Anna Florence Wilson,	Walpole.
" 29,	Eleanor Ramsbottom,	Eleanor Wilson,	Walpole.
April 18,	Francis Cragin,	Francis Henry Fullerton Cragin,	Roxbury.
May 25,	Almira B. Noyes,	Almira B. Allen,	Roxbury.
August 20,	Sada Hall,	Lillia Reeves,	Walpole.
" 31,	Mary Ellen Lines,	Mary Ellen Shaw,	Braintree.
" 24,	Frederick Ellis Simpson,	Frederick Ellis Broad,	Milton.
October 1,	Lottie L. Clapp,	Lottie C. Beal,	Cohasset.
" 5,	Etta M. Loomis,	Gertrude Maria Bruce,	Franklin.
" 19,	William James Todd,	William James Wright,	Brookline.
" 19,	Charles Francis Todd,	Charles Francis Wright,	Brookline.
" 19,	John Wright Todd,	John Russell Wright,	Brookline.
November 9,	William Everett Wortman,	William Everett Morton,	Randolph.
" 16,	Samuel Maddock,	Thomas Blanchard,	Canton.
" 23,	Mary Elizabeth Todd,	Mary Elizabeth Wright,	Brookline.
" 23,	— Daniels,	Mary Ann Metcalf,	Franklin.
December 14,	Frances L. Mansfield,	Mary Louisa Austin,	Roxbury.
" 14,	Mary Celia Conlan,	Emily Clara Bainard,	Roxbury.

CHANGE OF NAMES.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1867.			
January 4, .	Edward Richardson, ...	George Edward Richardson,	Easton.
February 1, .	Clarence M. Allen, ...	Clarence M. Allen, ...	New Bedford.
April 5, . .	Mary Elizabeth Tucker, ...	Mary Elizabeth Compton, ...	New Bedford.
June 7, . .	Alexander Bathurst Fuentes Wood, ...	Alexander Bathurst Wood, ...	New Bedford.
September 6, .	Anna Handy, ...	Anna Otis Bunn, ...	Fall River.
" 6, . . .	Cora Evelin Tripp, ...	Cora Evelin Remington, ...	Taunton.
October 18, .	Ida Haskell, ...	Winifred Jane Newcomb, ...	Taunton.
" 18, . .	Adela Francis Sherry, ...	Adela Francis Porter, ...	Taunton.
December 6, .	William Donney, ...	Aloysius Rooney, ...	Taunton.

PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
January 14, .	Carrie Holmes,*	Carrie Holmes Paty, ...	Plymouth.
" 28, . .	Eliza Roach,*	Eliza Jane Rowe, ...	No. Bridgewater.
March 11, .	Addie Augusta Henderson,*	Marcia Ripley Cobb, ...	Kingston.
" 25, . .	Harriet Frances Perry,*	Clara Maud St. Clair, ...	No. Bridgewater.

* Changed by reason of adoption.

BARNSTABLE COUNTY.

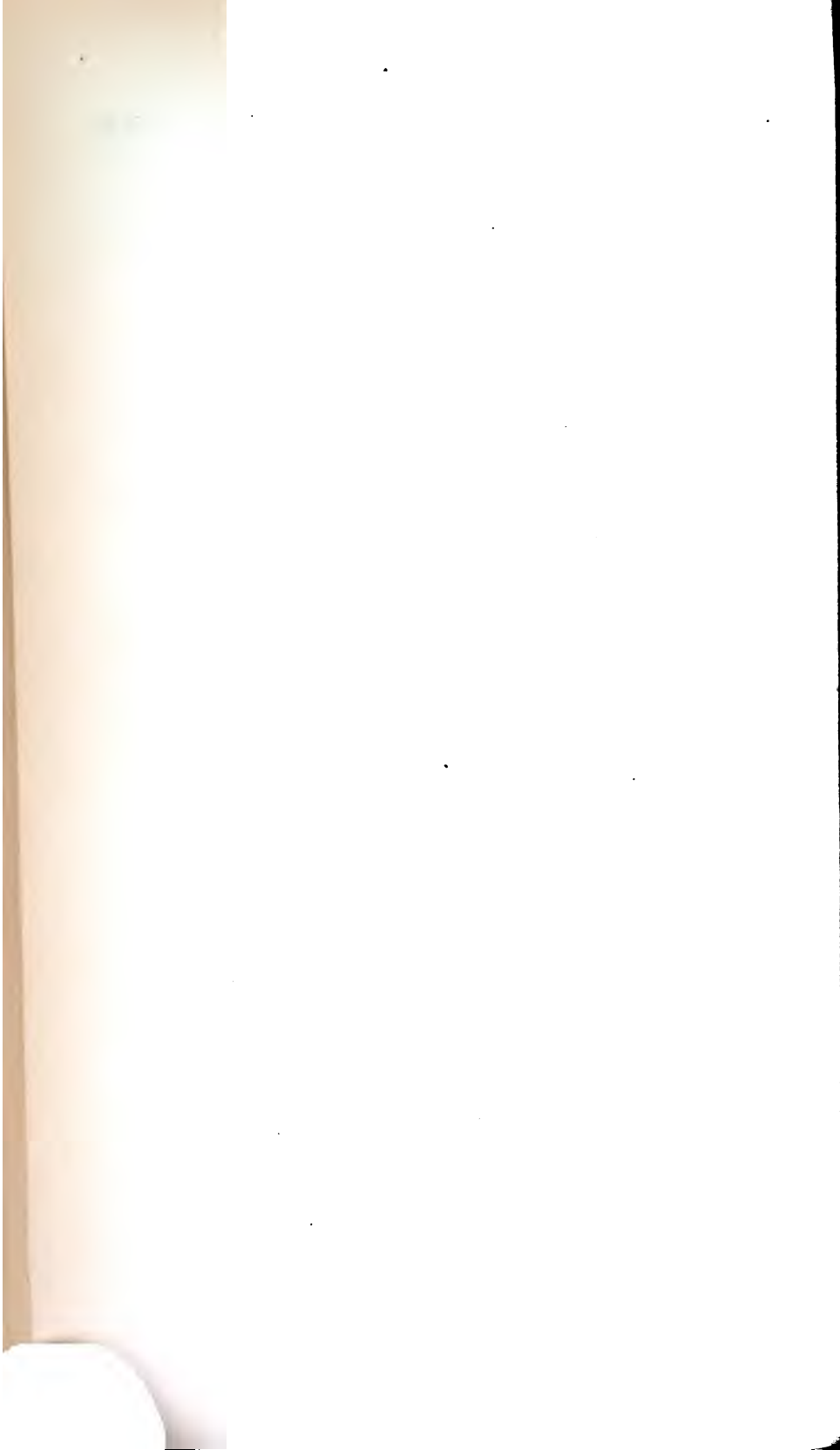
April 8, . . .	Noah Torrey Hathaway, . . .	Walter Lloyd Hathaway, . . .	Abington.
December 9, . . .	Annie C. Peirce,* . . .	Annie P. Raymond, . . .	Plymouth.

April 19, . . .	Millie Freenan, . . .	Millie Washburn Young, . . .	Orleans.
May 21, . . .	Matilda Adelaide Lavendar, . . .	Sophronia Adelaide Lecount, . . .	Provincetown,
" 21, . . .	John Thompson, . . .	John Thompson Gage, . . .	Harwich.
October 16, . . .	Rosalie King, . . .	Angie Thomas Whelden, . . .	Provincetown.

NANTUCKET COUNTY.

1866. September 18, . . .	William Henry Rogers, . . .	Wm. Henry Jones, . . .	Nantucket.
1867. March 14, . . .	Benjamin M. Hussey, . . .	James S. Hussey, . . .	Nantucket.
August 26, . . .	Ida Cora Dupung, . . .	Alice Cushman, . . .	Nantucket.

No application for change of name has been made to the Judge of Probate for the County of Dukes County.



THE
CIVIL GOVERNMENT
OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR
1868.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
ALEXANDER H. BULLOCK,
GOVERNOR.

AUGUSTUS G. BULLOCK, *Private Secretary.*

HIS HONOR
WILLIAM CLAFLIN,
LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS.)

I.—JOHN S. BRAYTON.
II.—CHARLES ENDICOTT.
III.—A. K. P. WELCH.
IV.—PETER HARVEY.

V.—ROLAND G. USHER.
VI.—THOMAS TALBOT.
VII.—CHARLES ADAMS, Jr.
VIII.—HORATIO G. KNIGHT.

OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.* BENJAMIN C. PIPER, *2d Clerk.*

JACOB H. LOUD,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON, *2d Clerk.*

CHARLES ALLEN,

ATTORNEY-GENERAL.

JAMES C. DAVIS, *Assistant Attorney-General.*

HENRY S. BRIGGS,

AUDITOR.

JULIUS L. CLARKE, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

SENATE.

President—GEORGE O. BRASTOW.

District.	Name of Senator.	Residence.
First Suffolk, . .	Tracy P. Cheever, . .	Chelsea.
Second " . .	Alonzo M. Giles, . .	Boston.
Third " . .	Augustus O. Allen, . .	Boston.
Fourth " . .	A. M. McPhail, Jr., . .	Boston.
Fifth " . .	Samuel D. Crane, . .	Boston.
Sixth " . .	Melville E. Ingalls, . .	Boston.
First Essex, . .	William Schouler, . .	Lynn.
Second " . .	William Sutton, . .	South Danvers.
Third " . .	Moses T. Stevens, . .	Andover.
Fourth " . .	Charles C. Dame, . .	Newburyport.
Fifth " . .	J. Scott Todd, . .	Rowley.
First Middlesex, . .	O. H. P. Smith, . .	Charlestown.
Second " . .	George O. Brastow, . .	Somerville.
Third " . .	Knowlton S. Chaffee, . .	Cambridge.
Fourth " . .	Lee Clafin, . .	Hopkinton.
Fifth " . .	Daniel Needham, . .	Groton.
Sixth " . .	James Oliver, . .	South Reading.
Seventh " . .	Benjamin F. Clark, . .	Chelmsford.
First Worcester, . .	Lucius W. Pond, . .	Worcester.
Second " . .	Jonathan D. Wheeler, . .	Grafton.
Third " . .	Frederick D. Brown, . .	Webster.

SENATE.

District.	Name of Senator.	Residence.
Fourth Worcester, .	John G. Mudge, . . .	Petersham.
Fifth " . . .	Francis B. Fay, . . .	Lancaster.
First Hampden, .	Henry Alexander, Jr., .	Springfield.
Second " . . .	Henry Fuller, . . .	Westfield.
Hampshire, . . .	Edmund H. Sawyer, . .	Easthampton.
Franklin, . . .	Silas N. Brooks, . . .	Bernardston.
Berkshire, . . .	Samuel W. Bowerman, .	Pittsfield.
Berksh'e & Hampshire,	Marshall Wilcox, . . .	Lee.
First Norfolk, . .	William Gaston, . . .	Roxbury.
Second " . . .	George Penniman, . . .	Milton.
Third " . . .	Clark Partridge, . . .	Medway.
First Plymouth, .	Gershom B. Weston, . .	Duxbury.
Second " . . .	Edward Crocker, . . .	N. Bridgewater.
Norfolk & Plymouth, .	Edward Avery, . . .	Braintree.
First Bristol, . .	Harrison Tweed, . . .	Taunton.
Second " . . .	Robert C. Pitman, . . .	New Bedford.
Third " . . .	S. Angier Chace, . . .	Fall River.
Cape, . . .	Chester Snow, . . .	Harwich.
Island, . . .	Erasmus Gould, . . .	Falmouth.

STEPHEN N. GIFFORD, *Clerk.*BENJAMIN C. DEAN, *Assistant-Clerk.*HENRY MORGAN, of Boston, *Chaplain*JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—HARVEY JEWELL.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Dexter A. Tompkins, Hodgdon F. Buzzell, S. F. Whitehouse, .	Boston. " "
2d,	Boston, Ward 2,	{ Dennis Cawley, Jr., . John M. Tobin, . Murdock Matheson, .	Boston. " "
3d,	Boston, Ward 3,	{ Charles R. Train, . Thomas J. Gargan, . James L. Locke, .	Boston. " "
4th,	Boston, Ward 4,	{ Hiram S. Shurtleff, . Dexter S. King, . Daniel H. Whitney,	Boston. " "
5th,	Boston, Ward 5,	{ Ellis W. Morton, . John P. Ordway, . Otis Rich, .	Boston. " "
6th,	Boston, Ward 6,	{ Harvey Jewell, . Linus M. Child, . John J. Smith, .	Boston. " "
7th,	Boston, Ward 7,	{ Patrick A. Collins, . Chas. H. Blanchard, Thomas J. Fay, .	Boston. " "
8th,	Boston, Ward 8,	{ Noah M. Gaylord, . P. Ambrose Young, . Nathaniel C. Nash, .	Boston. " "
9th,	Boston, Ward 9,	{ Newell A. Thompson, Edward H. Pierce, .	Boston. "
10th,	Boston, Ward 10,	{ James A. Fox, . Noble H. Hill, .	Boston. "

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . }	George F. Williams, Charles W. Wilder, Hubbard W. Tilton,	Boston. " "
12th,	Boston, Ward 12, . }	J. W. F. Willson, . Henry Souther, .	Boston. "
13th,	{ Chelsea, . . . } { North Chelsea, . . }	Samuel Freeman, . Thomas H. Carruth, Charles Bird, Jr., . }	Chelsea. " North Chelsea.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . } { Amesbury, . . . } { West Newbury, . . }	J. R. Huntington, . James G. Tewksbury,	Amesbury. W. Newbury.
2d,	{ Haverhill, . . . } { Bradford, . . . }	Charles W. Chase, . S. K. Towle, . . . John Perley, . . .	Haverhill " Bradford.
3d,	{ Lawrence, . . . } { Methuen, . . . }	Wm. H. P. Wright, Albert Blood, . . . John K. Tarbox, . .	Lawrence. " "
4th,	{ Andover, . . . } { North Andover, . . }	John A. Wiley, . .	N. Andover.
5th,	{ Georgetown, . . . } { Groveland, . . . } { Boxford, . . . }	Roscoe W. Gage, . .	Boxford.
6th,	{ Newburyport, . . . } { Newbury, . . . }	G. W. Jackman, Jr., Geo. W. Woodwell, Rufus Adams, . . .	Newburyport. " "
7th,	{ Ipswich, . . . } { Rowley, . . . }	Joseph Ross, . . .	Ipswich.
8th,	{ Gloucester, . . . } { Essex, . . . }	Benjamin F. Cook, . Josiah O. Friend, Leonard McKenzie,	Gloucester. " Essex.
9th,	Rockport, . . .	Moses Pool, . . .	Rockport.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
10th,	{ Beverly, . . . } { Manchester, . . . } { Hamilton, . . . }	Joseph Wilson, . John Lee, . . .	Beverly. Manchester.
11th,	{ Danvers, . . . } { Wenham, . . . }	Edwin Mudge, .	Danvers.
12th,	Peabody,* . . .	J. Warren Stevens, .	Peabody.
13th,	{ Salem, Wards 1, 2 } { and 8, . . . }	George H. Peirson, . William H. Burbeck,	Salem. Salem.
14th,	Salem, Wards 4 and 6,	Thomas S. Waters, .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	William B. Brown, . Stephen C. Felton, .	Marblehead. Marblehead.
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	William W. Kellogg,	Lynn.
17th,	Lynn, Wards 2 and 5,	William Howland, .	Lynn.
18th,	{ Lynn, Ward 8, and } { Swampscott, . . }	Eben N. Wardwell, .	Swampscott.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	Benjamin Proctor, .	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . . } { Middleton, . . . } { Topsfield, . . . }	Jacob P. Towne, .	Topsfield.

COUNTY OF MIDDLESEX.

1st,	Charlestown, Ward 1,	Thos. Cunningham, .	Charlestown.
2d,	Charlestown, Ward 2, {	Rufus A. White, . William Sherburne, .	Charlestown. Charlestown.
3d,	Charlestown, Ward 3, {	Caleb Rand, . . . George H. Long, . .	Charlestown. Charlestown.
4th,	{ Somerville, . . . } { Malden, . . . }	John A. Hughes, . John Runey, . . . George P. Cox, . .	Somerville. Somerville. Malden.

* Name of South Danvers was changed to Peabody, April 12, 1868.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Medford, . . .	James A. Hervey, .	Medford.
6th,	{ Arlington, . . . Winchester, . . . }	Joseph S. Potter, .	Arlington.
7th,	{ Cambridge, Ward 1, } " " Ward 5, }	Richard H. Dana, Jr.,	Cambridge.
8th,	{ Cambridge, Ward 2, } " " Ward 4, }	John Livermore, . John McDuffie, . Curtis Davis, .	Cambridge. Cambridge. Cambridge.
9th,	Cambridge, Ward 3,	Anson P. Hooker, .	Cambridge.
10th,	{ Newton, . . . Brighton, . . . }	George E. Allen, . George E. Bridges, .	Newton. Newton.
11th,	{ Watertown, . . . Belmont, . . . }	Henry M. Clarke, .	Belmont.
12th,	Waltham, . . .	Royal S. Warren, .	Waltham.
13th,	Natick, . . .	Willard Mann, .	Natick.
14th,	{ Holliston, . . . Sherborn, . . . }	Francis E. Cushing, .	Holliston.
15th,	{ Hopkinton, . . . Ashland, . . . }	William Seaver, .	Ashland.
16th,	Framingham, . . .	George Phipps, .	Framingham.
17th,	Marlborough, . . .	Hugh R. Bean, .	Marlborough.
18th,	{ Hudson, . . . Stow, . . . Boxborough, . . . Littleton, . . . }	Francis W. Warren, .	Stow.
19th,	{ Acton, . . . Sudbury, . . . Wayland, . . . }	Willard Wheeler, .	Sudbury.
20th,	{ Concord, . . . Lincoln, . . . Weston, . . . }	Charles H. Fiske, .	Weston.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . Bedford, . . . Burlington, . . . Carlisle, . . . }	John C. Blasdel, .	Lexington.
22d,	Woburn, . . .	David D. Hart, .	Woburn.
23d,	{ Stoneham, . . . Wakefield,* . . . Melrose, . . . }	Levi S. Gould, . James F. Mansfield, .	Melrose. Wakefield.
24th,	{ Reading, . . . North Reading, . . . Wilmington, . . . }	Nathan P. Pratt, .	Reading.
25th,	{ Chelmsford, . . . Billerica, . . . Tewksbury, . . . }	Dudley Foster, .	Billerica.
26th,	{ Lowell, Ward 1, . . . " Ward 2, . . . " Ward 6, . . . }	Benjamin J. Williams, James B. Francis, .	Lowell. "
27th,	Lowell, Ward 3, .	Oliver W. Smith, .	Lowell.
28th,	Lowell, Ward 4, .	Josiah Gates, .	Lowell.
29th,	Lowell, Ward 5, .	William McFarlin, .	Lowell.
30th,	{ Dracut, . . . Tyngsborough, . . . Dunstable, . . . Westford, . . . }	Geo. W. Heywood, .	Westford.
31st,	{ Groton, . . . Pepperell, . . . }	Levi Wallace, .	Pepperell.
32d,	{ Townsend, . . . Ashby, . . . Shirley, . . . }	Jonathan Pierce, .	Townsend.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . Winchendon, . . . }	Windsor N. White, .	Winchendon.
2d,	{ Royalston, . . . Athol, . . . }	Jeremiah A. Rich, .	Royalston.

* Name of South Reading was changed to Wakefield, February 26, 1868.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Names of Representative.	Residence.
3d,	{ Gardner, . . . } { Templeton, . . . }	Charles Heywood, .	Gardner.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . }	William Mixer, . J. Otis Hale, . .	Hardwick. Hubbardston.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	George E. Towne, . Otis T. Ruggles, . Howard M. Lane, .	Fitchburg. " Leominster.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	Solomon H. Howe, .	Bolton.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . }	Chas. W. Worcester,	Clinton.
8th,	{ Sterling, . . . } { West Boylston, . . } { Boylston, . . . }	Wallace McFarland,	West Boylston.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	P. A. Beaman, .	Princeton.
10th,	{ Worcester, Ward 1, } { " Ward 2, } { " Ward 3, } { " Ward 8, } { Paxton, . . . }	A. G. Walker, . . Delano A. Goddard, Warren Williams, .	Worcester. " "
11th,	{ Worcester, Ward 4, } { " Ward 5, } { " Ward 6, } { " Ward 7, }	Edward S. Stebbins, James S. Woodworth, P. A. Thompson, .	Worcester. " "
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	J. H. Wood, . .	Grafton.
13th,	{ Westborough, . . . } { Southborough, . . }	Samuel Appleton, .	Southborough.

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER—Concluded.

District.	Town.	Name of Representative.	Residence.
14th,	{ Northbridge, . . . } { Upton, . . . }	William Knowlton, .	Upton.
15th,	{ Milford, . . . } { Mendon, . . . } { Blackstone, . . . } { Uxbridge, . . . }	Isaac H. Stearns, . Moses Farnum, . Charles Wing, .	Milford. Blackstone. Uxbridge
16th,	{ Douglas, . . . } { Webster, . . . } { Dudley, . . . } { Oxford, . . . } { Sutton, . . . } { Millbury, . . . }	Lament B. Corbin, . Silas Dunton, . William D. Jones, .	Oxford. Millbury. Douglas.
17th,	{ Auburn, . . . } { Leicester, . . . } { Spencer, . . . } { Charlton, . . . } { Southbridge, . . . }	Joseph H. Hathaway, Lory S. Watson, .	Charlton. Leicester.
18th,	{ Sturbridge, . . . } { Brookfield, . . . } { North Brookfield, . . . } { West Brookfield, . . . } { Warren, . . . }	Amasa C. Morse, . Joseph B. Lombard,	Sturbridge. Warren.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } { Huntington, . . . } { Northampton, . . . } { Southampton, . . . } { Westhampton, . . . }	William F. Arnold, . Edward H. Lathrop,	Northampton. Huntington.
2d,	{ Chesterfield, . . . } { Cummington, . . . } { Goshen, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . }	Richmond Kingman,	Cummington.
3d,	{ Hadley, . . . } { Hatfield, . . . } { Williamsburg, . . . }	Henry S. Porter, .	Hatfield.
4th,	{ Amherst, . . . } { South Hadley, . . . }	Horace Ward, .	Amherst.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Belchertown, . . . } { Granby, . . . } { Pelham, . . . }	Philo Chapin, . .	Granby.
6th,	{ Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	Henry Bassett, . .	Ware.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	Joel B. Williams, . .	Monson.
2d,	{ Palmer, . . . } { Wilbraham, . . . }	William R. Sessions,	Wilbraham.
3d,	{ Springfield, Ward 1, } { " " Ward 2, } { " " Ward 3, }	Charles L. Shaw, . . Tilly Haynes, . .	Springfield. "
4th,	{ Springfield, Ward 4, } { " " Ward 6, }	George Walker, . .	Springfield.
5th,	{ Springfield, Ward 5, } { " " Ward 7, } { " " Ward 8, }	John Severson, . .	Springfield.
6th,	{ Holpoke, . . . } { Chicopee, . . . } { Ludlow, . . . }	Edwin N. Snow, . . Ezra H. Flagg, . .	Chicopee. Holyoke.
7th,	{ Granville, . . . } { Southwick, . . . } { Agawam, . . . } { West Springfield, . . } { Longmeadow, . . . }	Ralph S. Brown, . . Charles A. Fox, . .	Granville. W. Springfield.
8th,	Westfield, . . .	William G. Bates, . .	Westfield.
9th,	{ Chester, . . . } { Blandford, . . . } { Montgomery, . . . } { Russell, . . . } { Tolland, . . . }	Thaddeus K. DeWolf,	Chester.

HOUSE OF REPRESENTATIVES.

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COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	John D. Flagg, .	Orange.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Frederick W. Field,	Leverett.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	George W. Potter, . Thomas J. Field, .	Greenfield. Northfield.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Henry S. Ranney, . Samuel T. Field, .	Ashfield. Shelburne.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Roger H. Leavitt, .	Charlemont.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Fred. A Morey, .	Williamstown.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	Shepard Thayer, . Jonas A. Champney,	Adams. Cheshire.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	Thomas F. Plunkett, Henry H. Cook, .	Pittsfield. Richmond.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . Hinsdale, . . . Pern, . . . Washington, . . . Windsor, . . . }	Charles J. Kittredge,	Hinsdale.
5th,	{ Lenox, . . . Stockbridge, . . . West Stockbridge, . . . }	Mason Van Dusen, .	Stockbridge.
6th,	{ Lee, . . . Monterey, . . . Otis, . . . Tyringham, . . . }	Alanson Crittenden, .	Otis.
7th,	{ Alford, . . . Egremont, . . . Great Barrington, . . . Mount Washington, . . }	Edward A. Hulbert,	Gt. Barrington.
8th,	{ New Marlborough, . . Sandisfield, . . . Sheffield, . . . }	Andrew J. Freeman,	N. Marlboro'.

COUNTY OF NORFOLK.

1st,	Dedham,* . . .	John R. Bullard, .	Dedham.
2d,	West Roxbury, .	Charles A. Hewins, .	West Roxbury.
3d,	{ Roxbury,† Ward 2, . " Ward 3, . " Ward 4, . " Ward 5, . }	William Seaver, . George M. Hobbs, . Isaac H. Meserve, .	Roxbury. " "
4th,	Roxbury, Ward 1, .	Charles Stanwood, .	Roxbury.
5th,	Dorchester,* . . .	Edw. H. R. Ruggles, John H. Robinson, .	Dorchester. "
6th,	Quincy, . . .	John Quincy Adams,	Quincy.

* Town of Hyde Park incorporated April 22, 1838, embracing portions of Districts 1, 5 and 11.

† Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK—Concluded.

District.	Town.	Name of Representative.	Residence.
7th,	Braintree, . .	E. Watson Arnold,*	Braintree.
8th,	Weymouth, . . {	Alvah Raymond, Jr., Henry Newton, .	Weymouth. “
9th,	Randolph, . .	Daniel Howard, .	Randolph.
10th,	Stoughton, . .	Orlando B. Crane, .	Stoughton.
11th,	{ Canton, . . . } { Milton,† . . . } { Walpole, . . . } { Sharon, . . . }	James Capen,‡ Joseph Leavitt, .	Sharon. Canton.
12th,	{ Foxborough, . . } { Wrentham, . . } { Medway, . . . }	Leander S. Daniels, . James T. Ford, .	Medway. Wrentham.
13th,	{ Franklin, . . . } { Bellingham, . . }	Henry E. Pond, .	Franklin.
14th,	{ Needham, . . . } { Medfield, . . . } { Dover, . . . }	George K. Daniell, .	Needham.
15th,	Brookline, . .	Thomas Parsons, .	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Willard Blackinton,	Attleborough.
2d,	{ Mansfield, . . . } { Norton, . . . }	Augustus Lane, .	Norton.
3d,	{ Easton, . . . } { Raynham, . . . }	John H. Swain, .	Easton.
4th,	Taunton, . . . {	Jeremy B. Dennett, Walter S. Sprague, . Nathan S. Williams,	Taunton. “ “

* Mr. Edward Avery was chosen in this district at the general election, but having been also elected a Senator, sent in his resignation to the House, and Mr. Arnold was elected in his place.

† Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

‡ Mr. Capen's death was announced in the House May 22. The vacancy was not filled.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . } Rehoboth, . . . } Dighton, . . . } Berkley, . . . }	William A. King, .	Rehoboth.
6th,	{ Somerset, . . . } Swanzey, . . . } Freetown, . . . }	Job M. Leonard, .	Somerset.
7th,	Fall River, . . . {	Abraham G. Hart, . Weaver Osborn, . Iram Smith, . . .	Fall River. " "
8th,	Westport, . . .	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, . . .	William Barker, Jr.,	Dartmouth.
10th,	{ New Bedford, Wards } 1, 2 and 3, . . . }	Oliver H. P. Brown, Joseph W. Cornell, .	New Bedford. "
11th,	{ New Bedford, Wards } 4, 5 and 6, . . . }	James B. Wood, . William H. Reynard,	New Bedford. "
12th,	{ Fairhaven, . . . } Acushnet, . . . }	Lewis S. Judd, .	Fairhaven.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . } Scituate, . . . }	John Manson, . .	Scituate.
2d,	{ Hingham, . . . } Hull, . . . }	David Cushing, 2d, .	Hingham.
3d,	{ South Scituate, . . } Hanover, . . . } Hanson, . . . }	Morton V. Bonney, .	Hanover.
4th,	{ Marshfield, . . . } Pembroke, . . . } Halifax, . . . }	William Whiting, .	Pembroke.
5th,	{ Duxbury, . . . } Kingston, . . . }	Eden Wadsworth, .	Duxbury.

HOUSE OF REPRESENTATIVES.

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COUNTY OF PLYMOUTH—Concluded.

District.	Towns.	Name of Representative.	Residence.
6th,	{ Plymouth, . . . } Carver, . . . } Plympton, . . }	Charles H. Drew, . Josiah S. Hammond,	Plymouth. Plympton.
7th,	{ Wareham, . . . } Marion, . . . }	George Sanford, .	Wareham.
8th,	{ Mattapoisett, . . } Rochester, . . . } Lakeville, . . . }	Eleazer Richmond, .	Lakeville.
9th,	Middleborough, .	Levi A. Abbott, .	Middleboro'.
10th,	{ Bridgewater, . . } West Bridgewater, . }	Simeon Perkins, .	Bridgewater.
11th,	{ East Bridgewater, . } North Bridgewater, . }	C. C. Bixby, . . Irving Bates, . .	N. Bridgewater. E. Bridgewater.
12th,	Abington, . . . }	Walter B. Studley, . Dan Packard, . .	Abington. “

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } Sandwich, . . . } Falmouth, . . . } Yarmouth, . . . }	Heman B. Chase, . Alvah Holway, . Lemuel B. Simmons,	Yarmouth. Sandwich. Barnstable.
2d,	{ Dennis, . . . } Harwich, . . . } Brewster, . . . }	Samuel H. Gould, . Seth Crowell, . .	Brewster. Dennis.
3d,	{ Chatham, . . . } Orleans, . . . }	Ensign B. Rogers, .	Orleans.
4th,	{ Eastham, . . . } Wellfleet, . . . } Truro, . . . } Provincetown, . . }	Henry Shortle, . John H. Bangs, .	Provincetown. Eastham.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Towns.	Name of Representative.	Residence.
One.	{ Edgartown, . . . } { Tisbury, . . . } { Chilmark, . . . } { Gosnold, . . . }	Charles Bradley, .	Tisbury.

COUNTY OF NANTUCKET.

One,	Nantucket, . .	William H. Waitt, .	Nantucket.
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WILLIAM S. ROBINSON, <i>Clerk.</i>	JOHN MORISSEY, <i>Sergeant-at-Arms.</i>
WILLIAM A. CRAFTS, <i>Asst. Clerk.</i>	WILLIAM R. ALGER, <i>Chaplain.</i>

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

REUBEN A. CHAPMAN,* *of Springfield.*

ASSOCIATE JUSTICES.

EBENEZER R. HOAR, *of Concord.*

HORACE GRAY, JR., *of Boston.*

DWIGHT FOSTER, *of Boston.*

JOHN WELLS, *of Chicopee.*

JAMES D. COLT,† *of Pittsfield.*

SUPERIOR COURT.

CHIEF JUSTICE.

SETH AMES, *of Boston.*

ASSOCIATE JUSTICES.

JULIUS ROCKWELL, *of Pittsfield.*

OTIS P. LORD, *of Salem.*

MARCUS MORTON, *of Andover.*

EZRA WILKINSON, *of Dedham.*

HENRY VOSE, *of Boston.*

JOHN P. PUTNAM, *of Boston.*

LINCOLN F. BRIGHAM, *of Boston.*

CHESTER I. REED, *of Taunton.*

CHARLES DEVENS, JR., *of Worcester.*

* Vice GEORGE T. BIGHLOW, resigned, December 31, 1867.

† Vice REUBEN A. CHAPMAN, appointed Chief Justice, Feb. 7, 1868.

JUDICIAL DEPARTMENT.

JUDGES OF PROBATE AND INSOLVENCY.

ISAAC AMES, Boston, ...	SUFFOLK.
GEORGE F. CHOATE, Salem, ...	ESSEX.
WILLIAM A. RICHARDSON, Cambridge, ...	MIDDLESEX.
HENRY CHAPIN, Worcester, ...	WORCESTER.
SAMUEL F. LYMAN, Northampton, ...	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield, ...	HAMPDEN.
CHARLES MATTOON, Greenfield, ...	FRANKLIN.
JAMES T. ROBINSON, (North) Adams, ...	BERKSHIRE.
GEORGE WHITE, Needham, ...	NORFOLK.
WILLIAM H. WOOD, Middleborough, ...	PLYMOUTH.
EDMUND H. BENNETT, Taunton, ...	BRISTOL.
JOSEPH M. DAY, Barnstable, ...	BARNSTABLE.
THEODORE G. MAYHEW, Edgartown, ...	DUKES.
EDWARD M. GARDNER, Nantucket, ...	NANTUCKET.

REGISTERS OF PROBATE AND INSOLVENCY.

WILLIAM C. BROWN, Chelsea, ...	SUFFOLK.
ABNER C. GOODELL, Jr., Salem, ...	ESSEX.
JOSEPH H. TYLER, Cambridge, ...	MIDDLESEX.
JOHN J. PIPER, Fitchburg, ...	WORCESTER.
LUKE LYMAN, Northampton, ...	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield, ...	HAMPDEN.
CHESTER C. CONANT, Greenfield, ...	FRANKLIN.
ANDREW J. WATERMAN, Pittsfield, ...	BERKSHIRE.
JONATHAN H. COBB, Dedham, ...	NORFOLK.
DANIEL E. DAMON, Plymouth, ...	PLYMOUTH.
AUSTIN S. CUSHMAN, New Bedford, ...	BRISTOL.
JONATHAN HIGGINS, Orleans, ...	BARNSTABLE.
HEBRON VINCENT, Edgartown, ...	DUKES.
WILLIAM BARNEY, Nantucket, ...	NANTUCKET.

DISTRICT-ATTORNEYS.

GEORGE P. SANGER, Boston, ...	SUFFOLK.
ISAAC S. MORSE, Cambridge, ...	NORTHERN.
ALFRED A. ABBOTT, South Danvers, ...	EASTERN.
EDWARD L. PIERCE, Milton, ...	SOUTH-EASTERN.
GEORGE MARSTON, Barnstable, ...	SOUTHERN.
HARTLEY WILLIAMS,* Worcester, ...	MIDDLE.
EDWARD B. GILLET, Westfield, ...	WESTERN.
SAMUEL T. SPAULDING, Northampton, ...	NORTH-WESTERN.

* Resigned June 30, 1868. Vacancy not yet filled.

SHERIFFS.

JOHN M. CLARK, Boston, ...	SUFFOLK.
HORATIO G. HERRICK, Lawrence, ...	ESSEX.
CHARLES KIMBALL, Lowell, ...	MIDDLESEX.
JOHN S. C. KNOWLTON, Worcester, ...	WORCESTER.
HENRY A. LONGLEY, Northampton, ...	HAMPSHIRE.
FREDERICK BUSH, Springfield, ...	HAMPDEN.
SAMUEL H. REED, Greenfield, ...	FRANKLIN.
GRAHAM A. ROOT, Sheffield, ...	BERKSHIRE.
JOHN W. THOMAS, Dedham, ...	NORFOLK.
CHARLES B. H. FESSENDEN, New Bedford, ...	BRISTOL.
JAMES BATES, Plymouth, ...	PLYMOUTH.
DAVID BURSLEY, Barnstable, ...	BARNSTABLE.
SAMUEL KENISTON, Edgartown, ...	DUKES.
JOSEPH McCLEAVE, Nantucket, ...	NANTUCKET.

CLERKS OF COURTS.

GEORGE C. WILDE, Boston, Sup. Jud. Court,	{	SUFFOLK, and by app't of Justices, for COM- MONWEALTH.
J. A. WILLARD, Boston, Superior Ct., Civil T.,		
F. H. UNDERWOOD, Boston, Criminal T., . .		
ASAHEL HUNTINGTON, Salem, ...		SUFFOLK.
BENJAMIN F. HAM, Winchester, ...		ESSEX.
JOSEPH MASON, Worcester, ...		MIDDLESEX.
WILLIAM P. STRICKLAND, Northampton, . .		WORCESTER.
GEORGE B. MORRIS, Springfield, ...		HAMPSHIRE.
EDWARD E. LYMAN, Greenfield, ...		HAMPDEN.
HENRY W. TAFT, Lenox, ...		FRANKLIN.
ERASTUS WORTHINGTON, Dedham, ...		BERKSHIRE.
SIMEON BORDEN, Fall River, ...		NORFOLK.
WILLIAM H. WHITMAN, Plymouth, ...		BRISTOL.
JAMES B. CROCKER, Yarmouth, ...		PLYMOUTH.
RICHARD L. PEASE, Edgartown, ...		BARNSTABLE.
GEORGE COBB, Nantucket, ...		DUKES.
		NANTUCKET.

MEMBERS OF THE FORTIETH CONGRESS.

SENATORS.CHARLES SUMNER, *of Boston.*HENRY WILSON, *of Natick.*

REPRESENTATIVES.

DISTRICT I.—THOMAS D. ELIOT, *of New Bedford.*II.—OAKES AMES, *of Easton.*III.—GINERY TWICHELL, *of Brookline.*IV.—SAMUEL HOOPER, *of Boston.*V.—BENJAMIN F. BUTLER, *of Gloucester.*VI.—NATHANIEL P. BANKS, *of Waltham.*VII.—GEORGE S. BOUTWELL, *of Groton.*VIII.—JOHN D. BALDWIN, *of Worcester.*IX.—WILLIAM B. WASHBURN, *of Greenfield.*X.—HENRY L. DAWES, *of Pittsfield.*

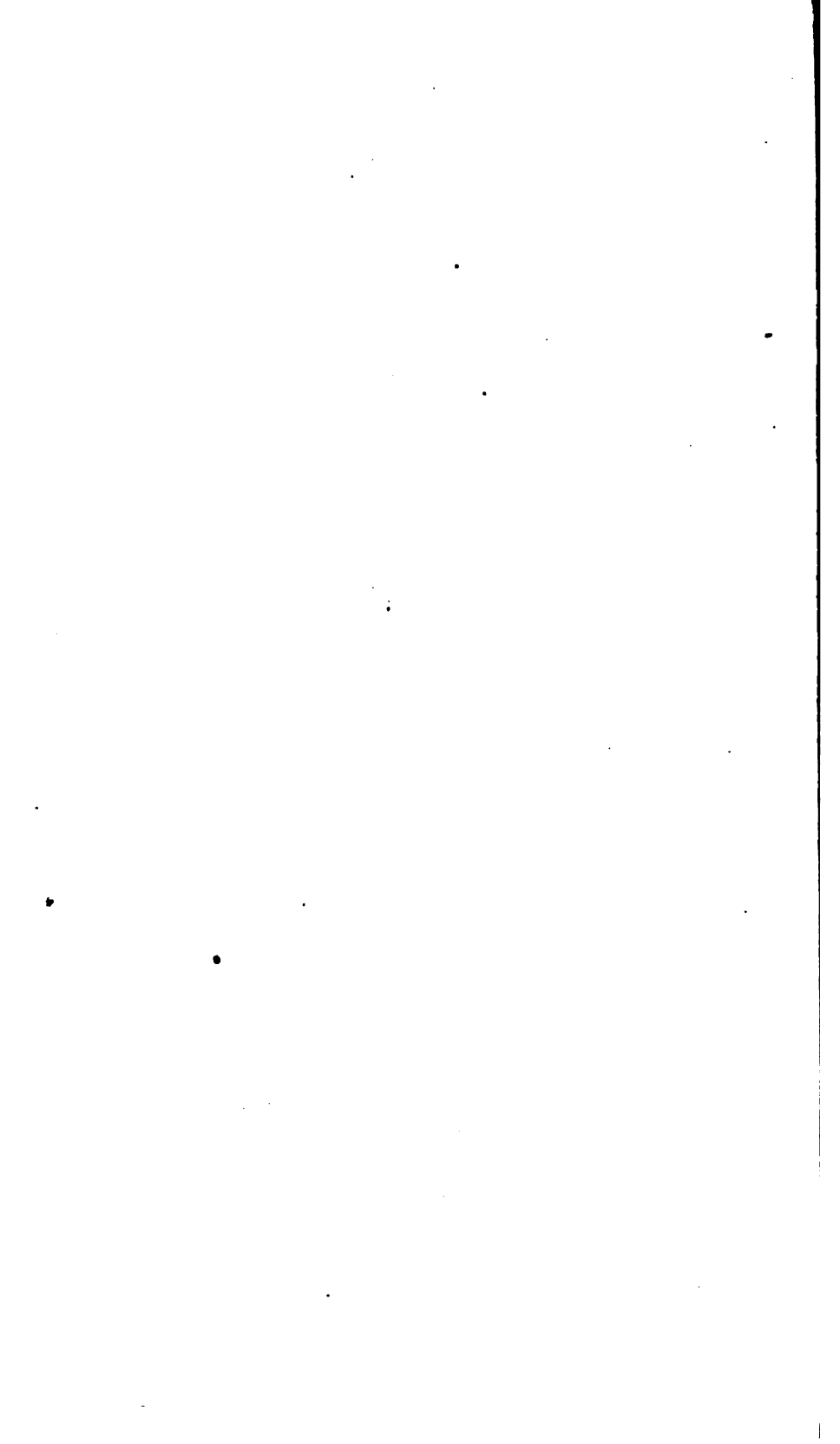
Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
July 1, 1868. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters herewith are transcripts of official records and returns in this Department.

OLIVER WARNER,

Secretary of the Commonwealth.



A C T S,

GENERAL AND SPECIAL.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE COUNTY SEAT OF THE COUNTY OF BERKSHIRE AT PITTSFIELD, AND FOR OTHER PURPOSES. **Chap. 1.**

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The provisions of chapter three hundred and twenty-five of the acts of the year eighteen hundred and sixty-eight, entitled An Act to establish the county seat of the county of Berkshire at Pittsfield, and for other purposes, is so far amended that the jail and house of correction for said county shall remain and be at Lenox, in said county, until a jail and house of correction shall be provided at Pittsfield.

Jail and house of correction to be at Lenox until provided at Pittsfield.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1869.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR. **Chap. 2.**

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and sixty-nine, to wit:—

Appropriations authorized.

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.

S. J. Court, clerk.
G. S. 121.

For the salary of the assistant-clerk of said court, one thousand five hundred dollars.

Assistant-clerk.
G. S. 121.

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.

Reporter.
G. S. 121.

For the expenses of said court, a sum not exceeding one thousand five hundred dollars.

Expenses.
G. S. 121.

SUPERIOR COURT.

Superior court,
judges' salaries.
1867, 165.

For the salary of the chief justice of the superior court, four thousand five hundred dollars.

For the salaries of the nine associate justices of said court, thirty-seven thousand eight hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

Courts of probate and insolvency:
Suffolk.

For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.

1867, 357.

Middlesex.

For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.

1867, 357.

Worcester.

For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.

1867, 357.

Essex.

For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.

1867, 357.

Norfolk.

For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.

1867, 357.

Bristol.

For the salary of the judge of probate and insolvency for the county of Bristol, one thousand five hundred dollars.

1867, 357.

Plymouth.

For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand three hundred dollars.

1867, 357.

Berkshire.

For the salary of the judge of probate and insolvency for the county of Berkshire, twelve hundred dollars.

1867, 357.

Hampden.

For the salary of the judge of probate and insolvency for the county of Hampden, one thousand three hundred dollars.

1867, 357.

Hampshire.

For the salary of the judge of probate and insolvency for the county of Hampshire, nine hundred dollars.

1867, 357.

Franklin.

For the salary of the judge of probate and insolvency for the county of Franklin, nine hundred dollars.

1867, 357.

Barnstable.

For the salary of the judge of probate and insolvency for the county of Barnstable, nine hundred dollars.

1867, 357.

Nantucket.

For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.

1867, 357.

Dukes County.

For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars.

1867, 357.

Registers:

Suffolk.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.

1867, 357.

Middlesex.

For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars.

1867, 357.

Worcester.

For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars.

1867, 357.

Essex.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars.

1867, 357.

Norfolk.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars.

1867, 357.

For the salary of the register of probate and insolvency for the county of Bristol, one thousand three hundred dollars. Bristol.
1867, 357.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand two hundred dollars. Plymouth.
1867, 357.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand two hundred dollars. Hampden.
1867, 357.

For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire.
1867, 357.

For the salary of the register of probate and insolvency for the county of Hampshire, nine hundred dollars. Hampshire.
1867, 357.

For the salary of the register of probate and insolvency for the county of Franklin, nine hundred dollars. Franklin.
1867, 357.

For the salary of the register of probate and insolvency for the county of Barnstable, nine hundred dollars. Barnstable.
1867, 357.

For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars. Nantucket.
1867, 357.

For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars. Dukes County.
1867, 357.

For the salary of the assistant-register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars. Assistant-regis-
ters :
Suffolk.
1867, 357.

For the salary of the assistant-register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars. Middlesex.
1867, 357.

For the salary of the assistant-register of probate and insolvency for the county of Worcester, one thousand five hundred dollars. Worcester.
1867, 357.

For the salary of the assistant-register of probate and insolvency for the county of Essex, one thousand five hundred dollars. Essex.
1867, 357.

For the salary of the assistant-register of probate and insolvency for the county of Norfolk, eight hundred dollars. Norfolk.
1867, 357.

For certain expenses of courts of insolvency authorized by the General Statutes, a sum not exceeding one thousand dollars. Expenses of
courts.
G. S. 118.

DISTRICT-ATTORNEYS.

For the salary of the attorney for the county of Suffolk, three thousand five hundred dollars. District-attor-
neys :
Suffolk.
1867, 349.

For the salary of the assistant-attorney for the county of Suffolk, two thousand one hundred dollars. Assistant-attor-
ney.
Suffolk.
1867, 349.

For the salary of the attorney for the eastern district, one thousand five hundred dollars. Eastern district
1867, 349.

Northern district.
1867, 349.

For the salary of the attorney for the northern district, one thousand five hundred dollars.

Southern district.
1867, 349.

For the salary of the attorney for the southern district, one thousand five hundred dollars.

Middle district.
1867, 349.

For the salary of the attorney for the middle district, one thousand five hundred dollars.

South-eastern district.
1867, 349.

For the salary of the attorney for the south-eastern district, one thousand five hundred dollars.

Western district.
1867, 349.

For the salary of the attorney for the western district, one thousand five hundred dollars.

North-western district.
1867, 349.

For the salary of the attorney for the north-western district, one thousand dollars.

POLICE COURTS.

Police courts:
Justices.
Adams.

For the salary of the justice of the police court in Adams, eight hundred dollars.

G. S. 116.
Cambridge.

For the salary of the justice of the police court in Cambridge, one thousand five hundred dollars.

Charlestown.
1862, 107.

For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.

Chelsea.
1864, 256.

For the salary of the justice of the police court in Chelsea, one thousand three hundred dollars.

Chicopee.
G. S. 116.

For the salary of the justice of the police court in Chicopee, nine hundred dollars.

Fall River.
1862, 92.

For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.

Gloucester.
1864, 127.

For the salary of the justice of the police court in Gloucester, eight hundred dollars.

Haverhill.
1867, 316.

For the salary of the justice of the police court in Haverhill, one thousand two hundred dollars.

Lawrence.
G. S. 116.

For the salary of the justice of the police court in Lawrence, one thousand five hundred dollars.

Lee.
1861, 141.

For the salary of the justice of the police court in Lee, five hundred dollars.

Lynn.
G. S. 116.

For the salary of the justice of the police court in Lynn, one thousand dollars.

Lowell.
G. S. 116.

For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.

Fitchburg.
1866, 129.

For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars.

Milford.
1866, 298.

For the salary of the justice of the police court in Milford, one thousand dollars.

New Bedford.
G. S. 116.

For the salary of the justice of the police court in New Bedford, one thousand five hundred dollars.

Newburyport.
G. S. 116.

For the salary of the justice of the police court in Newburyport, nine hundred dollars.

For the salary of the justice of the police court in Pittsfield, Pittsfield.
G. S. 116.
eight hundred dollars.

For the salary of the justice of the police court in Salem, Salem.
G. S. 116.
one thousand five hundred dollars.

For the salary of the justice of the police court in Springfield, Springfield.
1868, 330.
two thousand dollars.

For the salary of the justice of the police court in Williamstown, Williamstown.
G. S. 116.
three hundred dollars.

For the salaries of the clerks of the police courts, exclusive of clerks elected under chapter one hundred and sixteen of the General Statutes, to wit: Police courts:
Clerks.

For the salary of the clerk of the police court in Cambridge, Cambridge.
1866, 298.
eight hundred dollars.

For the salary of the clerk of the police court in Charlestown, Charlestown.
1862, 107.
five hundred dollars.

For the salary of the clerk of the police court in Fall River, Fall River.
1862, 92.
six hundred dollars.

For the salary of the clerk of the police court in Haverhill, Haverhill.
1867, 316.
~~six~~ six hundred dollars.

For the salary of the clerk of the police court in Lawrence, Lawrence.
G. S. 116.
eight hundred dollars.

For the salary of the clerk of the police court in Lowell, Lowell.
G. S. 116.
one thousand dollars.

For the salary of the clerk of the police court in Lynn, Lynn.
1866, 298.
six hundred dollars.

For the salary of the clerk of the police court in New Bedford, New Bedford.
G. S. 116.
eight hundred dollars.

For the salary of the clerk of the police court in Newburyport, Newburyport.
G. S. 116.
five hundred dollars.

For the salary of the clerk of the police court in Salem, Salem.
G. S. 116.
nine hundred dollars.

MUNICIPAL COURTS.

For the salaries of the justices of the municipal court in Boston, Municipal courts:
Boston.
1866, 279.
nine thousand dollars.

For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.

For the salary of the justice of the municipal court for the southern district of Boston, one thousand five hundred dollars. Southern district, Boston.
G. S. 116; 1867, 359.

For the salary of the clerk of the municipal court for the southern district of Boston, five hundred dollars.

For the salary of the justice of the municipal court in Taunton, Taunton.
1864, 209.
one thousand dollars.

For the salary of the clerk of the municipal court in Taunton, six hundred dollars.

Worcester.
1868, 186.

For the salary of the justice of the municipal court in Worcester, two thousand dollars.

For the salary of the clerk of the municipal court in Worcester, one thousand two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1869.

Chap. 3. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, &c., as follows:

**Appropriations
authorized.**

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and sixty-nine, to wit:—

LEGISLATIVE DEPARTMENT.

Senators, mileage.

For the mileage of senators, a sum not exceeding four hundred dollars, which shall be allowed and paid.

Compensation.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars, which shall be allowed and paid.

Representatives, mileage.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars, which shall be allowed and paid.

Compensation.

For the compensation of representatives, a sum not exceeding seventy-two thousand three hundred dollars, which shall be allowed and paid.

**Clerks, Senate and House.
1867, 305.**

For the salaries of the clerks of the senate and house of representatives, five thousand dollars.

Chaplains.

For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding four hundred dollars, which shall be allowed and paid.

Preacher of election sermon.

For the compensation of the preacher of the election sermon, one hundred dollars, which shall be allowed and paid.

**Sergeant-at-arms.
1867, 305.**

For the salary of the sergeant-at-arms, two thousand five hundred dollars.

Door-keepers, messengers and pages.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding ten thousand dollars, which shall be allowed and paid.

**Watchmen and firemen.
1867, 167; 1868, 341.**

For the compensation of such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand two hundred dollars.

For fees of witnesses summoned before committees, a sum not exceeding eight hundred dollars. Witnesses' fees.
G. S. 15.

EXECUTIVE DEPARTMENT.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding twelve thousand dollars. Lieut. governor and council.
G. S. 14, § 2.

For the compensation of the private secretary of the governor, two thousand dollars. Governor's secretary.
1866, 298.

For the compensation of the messenger of the governor and council, one thousand dollars. Messenger.
1867, 167.

For the compensation of the assistant-messenger of the governor and council, eight hundred dollars. Assistant-messenger.
1867, 167.

For the contingent expenses of the executive department, to include such extra clerical assistance and other expenses as the governor may deem necessary, a sum not exceeding ten thousand dollars, which shall be allowed and paid. Contingent expenses and extra clerks.

For any expenses which may be incurred under authority of the governor and approved by him, in the maintenance of such agency out of the Commonwealth, as he may find needful, for the adjustment and collection of bounties and claims due Massachusetts soldiers, and for necessary and proper disbursements in their behalf, a sum not exceeding eight thousand dollars, which shall be allowed and paid. Agency for collection of soldiers' bounties, &c.

SECRETARY'S DEPARTMENT.

For the salary of the secretary of the Commonwealth, two thousand five hundred dollars. Secretary of the Commonwealth
1866, 298.

For the salary of the first clerk in the secretary's department, two thousand dollars. First clerk.
1866, 298.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars. Second clerk.
1866, 298.

For the salary of the messenger in the secretary's department, one thousand dollars. Messenger.
1866, 298.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the department, a sum not exceeding sixteen thousand dollars. Additional clerks.
G. S. 14, § 4;
1867, 167.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, three thousand five hundred dollars. Treasurer and receiver-general.
1866, 298.

For the salary of the first clerk in the treasurer's department, two thousand two hundred dollars. First clerk.
1866, 298.

Assistant clerk
and cashier.
1866, 298.

For the salaries of the first assistant-clerk and of the cashier in the treasurer's department, three thousand four hundred dollars.

Additional
clerks.
G. S. 15, § 12;
1867, 167.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding three thousand three hundred dollars.

TAX COMMISSIONER'S BUREAU.

Deputy tax
commissioner.
1866, 298.

For the salary of the deputy tax commissioner, two thousand dollars.

First clerk.
1867, 167.

For the salary of the first clerk of the tax commissioner, one thousand seven hundred dollars.

Second clerk.
1867, 167.

For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.

Additional
clerks.
1866, 283.

For such additional clerical assistance as the tax commissioner may find necessary, a sum not exceeding nine thousand five hundred dollars.

AUDITOR'S DEPARTMENT.

Auditor of ac-
counts.
1867, 178.

For the salary of the auditor of accounts, two thousand five hundred dollars.

First clerk.
1867, 178.

For the salary of the first clerk in the auditor's department, two thousand two hundred dollars.

Second clerk.
1867, 178.

For the salary of the second clerk in the auditor's department, one thousand seven hundred dollars.

Additional
clerks.
1867, 178.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding five thousand seven hundred dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-gen-
eral.
1866, 298.

For the salary of the attorney-general, three thousand five hundred dollars.

Assistant.
1868, 93.

For the salary of the assistant attorney-general, one thousand eight hundred dollars.

COMMISSIONERS, ET AL.

Commissioner
of savings
banks.
1866, 192.
Insurance com-
missioner.
1866, 265.
Clerk.
1866, 265.

For the salary of the commissioner of savings banks, three thousand dollars.

For the salary of the insurance commissioner, two thousand dollars.

For the salary of the clerk of the insurance commissioner, one thousand five hundred dollars.

Additional
clerks, &c.

The fees received as compensation for the valuation of life policies, are hereby appropriated to be applied in accordance

with the provisions of chapter two hundred and sixty-seven of the acts of the year eighteen hundred and sixty-seven, for the compensation of actuarial and clerical service employed in making such valuation.

For the salary of the constable of the Commonwealth, three thousand dollars.

Constable of the Commonwealth
1865, 282.

For the salary and office expenses of the inspector of gas-meters, three thousand dollars.

Inspector of gasmeters.
1861, 168.

AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

Secretary board of agriculture.
1867, 167.

For such clerical assistance as the secretary of the board may find necessary, a sum not exceeding two thousand dollars.

Clerks.
1865, 243.

BOARD OF STATE CHARITIES.

For the salary of the secretary of the board of state charities, two thousand dollars.

State charities, secretary.
1863, 240.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five thousand seven hundred dollars.

Clerks.
1863, 240.

For the salary of the agent of the board of state charities, three thousand dollars.

Agent.
1866, 298.

For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding ten thousand dollars.

Clerks.
1863, 240.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding twelve thousand dollars; and any additional assistance necessary to effect such transportation shall be paid out of said sum: *provided*, a detailed report of such expenditures shall be rendered to the auditor of accounts on the first day of every month; also, for the removal of persons becoming a public charge, not authorized to be removed by existing laws, a sum not exceeding one thousand dollars, which shall be allowed and paid.

Transportation of State paupers.

Expense to be reported to auditor monthly.
Removal of certain paupers.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Board of education, secretary.
1867, 276.

For the salary and expenses of such agent or agents as the board of education may appoint, a sum not exceeding three

Salary and expense of agent.
G. S. 34.

thousand dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Assistant-librarian and clerk.
1866, 298.

For the salary of the assistant-librarian and clerk of the board of education, two thousand dollars.

Additional clerks.

G.S. 5; Resolves
1861, 33; 1866, 28.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding thirteen hundred dollars.

MILITARY DEPARTMENTS.

Adjutant-general.
1866, 298.

For the salary of the adjutant-general, two thousand five hundred dollars.

First clerk.
1866, 298.

For the salary of the first clerk of the adjutant-general, two thousand dollars.

Additional clerks.
1866, 299; 1867,
167.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding sixteen thousand five hundred dollars.

Surgeon-general.
1866, 298, 299.

For the salary of the surgeon-general, a sum not exceeding two thousand five hundred dollars.

Clerks.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding three thousand three hundred dollars.

Messenger.

For the compensation of a messenger in the surgeon-general's bureau, a sum not exceeding one thousand dollars.

Paymaster.

For the completion of the records of the paymaster's bureau, under the direction of the governor, a sum not exceeding two thousand dollars, which shall be allowed and paid.

Deputy quartermaster-general.
1866, 298, 299.
Clerk.

For the salary of the deputy quartermaster-general, a sum not exceeding one thousand eight hundred dollars. And for the salary of his clerk, a sum not exceeding one thousand five hundred dollars.

Employés at arsenal.
1866, 298, 299.

For the compensation of the employés at the state arsenal in Cambridge, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1869.

Chap. 4. AN ACT TO AUTHORIZE THE PLYMOUTH FIVE CENT SAVINGS BANK, IN THE TOWN OF PLYMOUTH, TO HOLD REAL ESTATE.

Be it enacted, &c., as follows:

\$10,000 in real estate.

SECTION 1. The Plymouth Five Cent Savings Bank, located in the town of Plymouth, is hereby authorized to hold real estate to an amount not exceeding ten thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to

Proviso.

be used for banking purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1869.

AN ACT TO AUTHORIZE THE EAST BOSTON SAVINGS BANK TO HOLD REAL ESTATE. **Chap. 5.**

Be it enacted, &c., as follows :

SECTION 1. The East Boston Savings Bank is hereby authorized to hold real estate to the amount of fifty thousand dollars : *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

\$50,000 in real estate.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1869.

AN ACT TO AMEND SECTIONS TWO AND SEVEN OF CHAPTER THREE HUNDRED AND THIRTEEN OF THE ACTS OF EIGHTEEN HUNDRED AND SIXTY-EIGHT, RELATIVE TO THE LEE AND NEW HAVEN RAILROAD COMPANY. **Chap. 6.**

Be it enacted, &c., as follows :

SECTION 1. The second section of chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-eight, is hereby amended by striking out the words "in addition to the amount previously loaned by the Commonwealth."

Amendment.

SECTION 2. The seventh section of the same act is amended by striking out the word "*three*," and substituting in place thereof the word "*four*."

Amendment.

SECTION 3. This act shall take effect upon its passage.

Approved February 4, 1869.

AN ACT RELATING TO THE SUMMONING OF JURIES TO ASSESS THE VALUE OF CERTAIN LANDS TO BE PURCHASED BY THE UNITED STATES. **Chap. 7.**

Be it enacted, &c., as follows :

SECTION 1. The respective second sections of chapters two hundred and ninety-two and two hundred and ninety-three of the acts of the year eighteen hundred and sixty-eight, are hereby amended, by striking out therefrom the words "and said jury shall be summoned for that purpose by the sheriff of the county of Suffolk or his deputy," and inserting in each of said sections instead thereof, the words "and the

Amendment to 1868, 292, § 2; 1868, 293, § 2.

Clerk of superior court to issue writs for jurors and court to enforce their attendance.

clerk of the superior court, for the county of Suffolk, for civil business, shall, during the present term of said court, if practicable, and if not, as soon thereafter as may be practicable, issue writs of *venire facias*, for jurors to appraise and value the fee of the several tracts of land in said acts respectively mentioned, and shall therein require the attendance of said jurors on such day as the court shall order; and said writs shall be severally issued, delivered, transmitted, served and returned, in the same manner as now provided in respect to other juries by chapter one hundred and thirty-two of the General Statutes."

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1869.

Chap. 8. AN ACT TO AUTHORIZE THE DEAN ACADEMY, IN THE TOWN OF FRANKLIN, TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows:

\$350,000 additional real and personal estate.

SECTION 1. The Dean Academy, in the town of Franklin, is hereby authorized to hold, by purchase or otherwise, real and personal estate to an amount not exceeding three hundred and fifty thousand dollars, to be devoted exclusively to the purposes of education, in addition to the amount authorized by chapter one hundred and seven of the acts of the year eighteen hundred and sixty-five.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1869.

Chap. 9. AN ACT TO INCORPORATE THE BEDFORD RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name.

Powers and duties.

Location from Bedford to Lexington.

May enter upon or unite with Lexington and Arlington Railroad.

SECTION 1. William R. Hayden, Edward T. Tuden and Charles L. Wait, their associates and successors, are hereby made a corporation, by the name of the Bedford Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are, or hereafter may be in force relating to such corporations.

SECTION 2. The said company may locate, construct and operate a railroad, commencing at some convenient point near the village, or mineral springs, in the town of Bedford, thence passing through the south-easterly part of said Bedford, and the north-westerly part of the town of Lexington, to a point most convenient for entering upon the road of the Lexington and Arlington Railroad Company near its terminus in the town of Lexington.

SECTION 3. The Bedford Railroad Company is hereby authorized to enter with its road upon, or unite the same with, and use the road of the Lexington and Arlington Rail-

road Company; and the Lexington and Arlington Railroad Company is hereby authorized to enter with its road upon, or unite the same with and use, the road of the Bedford Railroad Company, subject to the general laws of this Commonwealth relating to railroad corporations.

SECTION 4. The capital stock of said company shall be fixed by said company at an amount not less than one hundred thousand dollars, nor more than one hundred and fifty thousand dollars, and when so fixed shall not thereafter be changed; and said stock shall be divided into shares of one hundred dollars each. Said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Capital stock and shares.

Real and personal estate.

SECTION 5. The Lexington and Arlington Railroad Company, and the Bedford Railroad Company are hereby authorized to unite with each other within five years from the passage of this act, upon such terms as may be agreed upon by said corporations respectively, not inconsistent with the provisions of their respective charters or the acts in addition thereto, nor with the laws of this Commonwealth, by a vote of stockholders representing a majority of the stock in the respective corporations at legal meetings held for that purpose; and thereupon said two corporations shall become one corporation under the name of the Bedford, Lexington and Arlington Railroad Company, with a capital stock not exceeding the joint capital of the two corporations.

Railroads may unite within five years, by vote of stockholders.

SECTION 6. This act shall be void unless the said railroad is located within two years, and constructed within four years, from the passage thereof.

Location and construction.

SECTION 7. This act shall take effect upon its passage.

Approved February 9, 1869.

AN ACT TO INCORPORATE THE TAUNTON SAVINGS BANK.

Chap. 10.

Be it enacted, &c., as follows:

SECTION 1. Willard Lovering, Lovett Morse, Henry G. Reed, their associates and successors, are hereby made a corporation by the name of the Taunton Savings Bank, to be located in the city of Taunton; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings.

Corporators.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1869.

Chap. 11. AN ACT TO INCORPORATE THE WESTBOROUGH SAVINGS BANK.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. Noah Kimball, Cyrus Fay, George B. Brigham, their associates and successors, are hereby made a corporation by the name of the Westborough Savings Bank, to be located in Westborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force in this Commonwealth, relating to institutions for savings.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1869.

Chap. 12. AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-TWO, OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-FIVE, CONCERNING THE ADMISSION OF SICK PERSONS TO THE STATE ALMSHOUSES.

Be it enacted, &c., as follows:

Amendment of 1865, 162, § 2.

SECTION 1. The second section of chapter one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five, entitled "An Act concerning the admission of sick persons to the State Almshouses," is hereby amended, by inserting after the words "board of state charities," the words, "or some person designated by them, whose duty it shall be to make suitable investigation."

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1869.

Chap. 13. AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE MANSFIELD AND FRAMINGHAM RAILROAD.

Be it enacted, &c., as follows:

Time for location and construction extended.

The time for locating and constructing the Mansfield and Framingham Railroad, is hereby extended to the twenty-sixth day of April, in the year eighteen hundred and seventy-two.

Approved February 10, 1869.

Chap. 14. AN ACT TO INCORPORATE THE EASTHAMPTON SAVINGS BANK.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel Williston, Edmund H. Sawyer, Seth Warner, their associates and successors, are hereby made a corporation by the name of the Easthampton Savings Bank, to be established in the town of Easthampton; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or may hereafter be in force, applicable to savings banks and institutions for savings.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1869.

AN ACT TO AUTHORIZE THE DORCHESTER SAVINGS BANK TO HOLD REAL ESTATE. *Chap. 15.*

Be it enacted, &c., as follows :

SECTION 1. The Dorchester Savings Bank, located in the town of Dorchester, is hereby authorized to hold real estate to the amount of ten thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May invest \$10,000 in a banking house.
Provide.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1869.

AN ACT TO INCORPORATE THE MUTUAL BENEFIT FIRE INSURANCE COMPANY. *Chap. 16.*

Be it enacted, &c., as follows :

SECTION 1. George H. Kuhn, George C. Richardson, Avery Plumer, their associates and successors, are hereby made a corporation by the name of the Mutual Benefit Fire Insurance Company, in the city of Boston, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force, relating to joint-stock insurance companies, except as hereinafter provided.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall not issue policies until a guarantee capital of two hundred thousand dollars has been subscribed and paid in in cash.

Not to insure until guarantee capital is paid in.

SECTION 3. The holders of the guarantee capital, until the redemption thereof as hereinafter provided, shall be entitled to a net semi-annual dividend not exceeding four per cent. on their respective shares, if the net surplus over the guarantee capital, after providing for all expenses, losses and liabilities then incurred, including a sum sufficient to re-insure all outstanding risks, is sufficient from time to time to pay the same; and, if any such dividend is less than four per cent., it shall be made up when such net surplus becomes sufficient therefor.

Dividends to holders of guarantee capital.

SECTION 4. One-fourth of such net surplus remaining after providing for dividends as aforesaid, shall be set apart and invested in the same manner as the capital of joint-stock insurance companies, and shall constitute a reserve fund for the redemption of the guarantee capital; and when the net surplus over the guarantee capital so reserved and invested, and then existing, amounts to the sum of two hundred thou-

One-fourth of net surplus to be applied to redemption of guarantee capital.

sand dollars, the guarantee capital shall be redeemed. The remaining three-fourths of such net surplus shall be divided among the insured, in the same manner as in mutual fire insurance companies; and, after the redemption of the guarantee capital as aforesaid, the whole shall be so divided.

Reserve fund of \$200,000 to be kept as permanent guarantee fund for benefit of insured.

SECTION 5. The reserve fund to the amount of two hundred thousand dollars, invested as aforesaid, shall be kept intact as far as possible, as a permanent guaranty fund for the benefit of the insured. Said reserved fund shall belong to the insured, and shall be applicable to the payment of losses and claims against the company, if its other funds are insufficient therefor; and, if reduced, shall be repaired as soon as may be from the profits of the company. The income received from such fund, shall constitute a part of the net surplus to be divided among the insured as aforesaid.

Directors, how elected.

SECTION 6. The directors of said company shall be elected by the proprietors of the guarantee capital, until the redemption of the same, and thereafter by the policy holders, who shall then be members of the company.

SECTION 7. This act shall take effect upon its passage.

Approved February 12, 1869.

Chap. 17. AN ACT CONCERNING THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Sessions for criminal business.

SECTION 1. Section eleven of chapter two hundred and seventy-nine of the acts of the year eighteen hundred and sixty-six, is so amended that the said municipal court of the city of Boston shall be held for criminal business in the afternoon, only when it appears expedient to any of the justices thereof.

Original concurrent jurisdiction with municipal court for southern district.

SECTION 2. The said court shall have original concurrent jurisdiction with the municipal court for the southern district of the city of Boston in all cases, criminal and civil, where said court for the southern district now has exclusive jurisdiction.

Forcible entry and detainer.

SECTION 3. Chapter forty-seven of the acts of the year eighteen hundred and sixty-six, shall apply to actions under section five of chapter one hundred and thirty-seven of the General Statutes, brought in said municipal court of the city of Boston.

SECTION 4. This act shall take effect upon its passage.

Approved February 12, 1869.

AN ACT TO REVIVE THE CHARTER OF THE MARBLEHEAD AND LYNN RAILROAD COMPANY. *Chap. 18.*

Be it enacted, &c., as follows:

Chapter one hundred and forty-one of the acts of the year eighteen hundred and sixty-five, entitled "An Act to incorporate the Marblehead and Lynn Railroad Company," is hereby revived and confirmed: *provided*, said corporation shall be organized within one year, shall file its location within two years, and complete the construction of its railroad within four years from the passage of this act.

Charter revived and confirmed.

Proviso.

Approved February 13, 1869.

AN ACT TO INCORPORATE THE BENGAL BAGGING COMPANY.

Chap. 19.

Be it enacted, &c., as follows:

SECTION 1. John Webster, S. Endicott Peabody, Robert Brookhouse, their successors and associates, are hereby made a corporation by the name of the Bengal Bagging Company, for the purpose of manufacturing bagging cloth, or any fabric wholly or in part of jute or other fibrous material, in the city of Salem; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate necessary and convenient for its business to an amount not exceeding one hundred thousand dollars, and the capital stock shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until one hundred thousand dollars of its capital stock is paid in in cash.

Real estate.

Capital stock.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1869.

AN ACT RELATING TO THE CANTON AND HYDE PARK AND-STOUGHTON BRANCH RAILROAD COMPANIES. *Chap. 20.*

Be it enacted, &c., as follows:

SECTION 1. The time for locating the road of the Canton and Hyde Park Railroad Company is hereby extended to the first day of May, in the year eighteen hundred and seventy-one; and the time for constructing the same is extended to the first day of May, in the year eighteen hundred and seventy-two; and the time allowed said company to unite with the Stoughton Branch Railroad Company is extended to the first day of May, in the year eighteen hundred and seventy-four.

Time for location and construction extended.

Time for uniting with Stoughton Branch Railroad extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1869.

Chap. 21. AN ACT TO AUTHORIZE THE OLD COLONY AND NEWPORT RAILWAY COMPANY TO PURCHASE THE EASTON BRANCH RAILROAD.

Be it enacted, &c., as follows:

Old Colony and
Newport Rail-
way Company
may purchase
Easton Branch
Railroad.

The Old Colony and Newport Railway Company is hereby authorized to purchase the rights, franchise and property of the Easton Branch Railroad Company, upon such terms, not inconsistent with their respective charters, nor with the acts in addition to the same, nor with the laws of this Commonwealth, as the stockholders of the respective corporations, at legal meetings called for that purpose, shall determine; and thereupon the said Easton Branch Railroad Company is hereby authorized to convey and assign to said Old Colony and Newport Railway Company its franchises and property, and all the rights, easements, privileges and powers granted to it; and the said Old Colony and Newport Railway Company shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of the Easton Branch Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which said last named corporation may be subject.

Approved February 13, 1869.

Chap. 22. AN ACT TO REVIVE "AN ACT TO INCORPORATE THE INDEMNITY LIFE INSURANCE COMPANY."

Be it enacted, &c., as follows:

Charter revived
and time for or-
ganizing ex-
tended.

SECTION 1. Chapter two hundred and four, of the acts of the year eighteen hundred and sixty-five, entitled "An Act to incorporate the Indemnity Life Insurance Company," is hereby revived; and the time for organizing said corporation extended to the first day of January, in the year eighteen hundred and seventy.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1869.

Chap. 23. AN ACT CONCERNING THE EVERETT INSURANCE COMPANY.

Be it enacted, &c., as follows:

Time for accept-
ance of charter
and payment of
capital extend-
ed.

SECTION 1. The time for the acceptance of its charter by the Everett Insurance Company, for its organization under the same, and for the paying in of its capital stock, is hereby extended to the eleventh day of March, in the year eighteen hundred and seventy.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1869.

AN ACT RELATING TO THE PLACE OF HOLDING THE MEETINGS OF THE SALEM AND LOWELL RAILROAD COMPANY. *Chap. 24.*

Be it enacted, &c., as follows:

SECTION 1. The Salem and Lowell Railroad Company are hereby authorized to hold their annual and other meetings in the city of Lowell or the city of Salem, as the directors may determine. Meetings may be held in Salem or Lowell.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1869.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE WORCESTER GAS LIGHT COMPANY. *Chap. 25.*

Be it enacted, &c., as follows:

SECTION 1. The Worcester Gas Light Company is hereby authorized to increase its capital stock, by adding thereto an amount not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each; and to invest such portions thereof in real and personal estate as may be necessary and convenient for carrying on its business. \$200,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1869.

AN ACT TO AMEND SECTION THIRTY-EIGHT OF CHAPTER THIRTY-EIGHT, OF THE GENERAL STATUTES, AUTHORIZING TOWNS TO TAKE LAND FOR SCHOOL-HOUSE LOTS. *Chap. 26.*

Be it enacted, &c., as follows:

The thirty-eighth chapter of the General Statutes is hereby amended by striking out the word "highways" in the thirty-eighth section, and substituting therefor the word town-ways. Amendment.

Approved February 15, 1869.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES; THE HOSPITAL AT RAINSFORD ISLAND; THE STATE PRISON; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL; THE SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS, AND FOR OTHER PURPOSES. *Chap. 27.*

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, in the year eighteen hundred and sixty-nine, to wit: Appropriations authorized.

CHARITABLE.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding eighty thousand dollars. State almshouse, Tewksbury. G. S. 71.

Monson.
G. S. 71; 1866,
209.

For the current expenses of the state almshouse and state primary school at Monson, a sum not exceeding sixty-two thousand five hundred dollars.

Bridgewater.
G. S. 71; 1866,
196.

For the current expenses of the state almshouse and state workhouse at Bridgewater, a sum not exceeding forty thousand dollars.

Hospital, Rainsford Island.
G. S. 71.

For expenses of the hospital at Rainsford Island, including expenses of transportation, a sum not exceeding sixteen hundred dollars.

Agent State charities, expenses.
1863, 240.

For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.

Secretary, expenses.
1863, 240.

For expenses of the secretary of the board of state charities, a sum not exceeding thirteen hundred dollars.

Board of State charities, expenses.
1863, 240.

For travelling and other expenses of the board of state charities, a sum not exceeding four thousand dollars; and the appropriations for said board may be drawn and disbursed by the general agent.

Lunatic paupers.
G. S. 73; 1864,
288.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding ninety-five thousand dollars.

Burial expenses
G. S. 70; 1867,
97.

For the burial of state paupers, a sum not exceeding eight thousand dollars.

Support by cities and towns
G. S. 71; 1866,
162.

For the support of state paupers by cities and towns, a sum not exceeding thirty thousand dollars, the same to include any expenses necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of eighteen hundred and sixty-five, and the auditor is hereby authorized to audit accounts for such expenses.

Coroners' inquests.
G. S. 157, 175.

For the expenses of coroners' inquests, a sum not exceeding one thousand dollars.

State almshouse sinking fund.
1852, 275; 1854,
355.

To the state almshouse loan sinking fund for the redemption of scrip, the sum of six thousand dollars.

Asylum for the blind.
R. 1864, 56.

For the Perkins institution and Massachusetts asylum for the blind, the sum of sixteen thousand dollars.

Idiotic and feeble-minded youth.
R. 1861, 28.

For the Massachusetts school for idiotic and feeble-minded youth, the sum of nine thousand dollars.

Asylums for deaf and dumb.
1867, 334; R.
1847, 94; 1864,
38; 1865, 50.

For the support of Massachusetts beneficiaries in the asylum for deaf and dumb at Hartford, and the Clarke institution at Northampton, a sum not exceeding twenty-five thousand dollars.

Johonnot annuities.
R. 1841, 65.

For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand four hundred dollars.

Cases of bastardy.
1863, 240.

For expenses attending the management of cases of settlement and bastardy in eighteen hundred and sixty-nine and

previous years, a sum not exceeding three thousand dollars.

For pensions, a sum not exceeding five hundred dollars. Pensions.

REFORMATORY AND CORRECTIONAL.

For the current expenses of the state prison, a sum not exceeding one hundred and ten thousand dollars. State prison. 1864, 303.

For the current expenses of the state reform school for boys at Westborough, a sum not exceeding fifty thousand dollars. Reform school at Westborough G. S. 76.

For the current expenses of the Massachusetts nautical school, a sum not exceeding fifty-five thousand dollars; of which the sum of three thousand five hundred dollars may be set apart and used for refitting the ship "George M. Barnard," with a new mast, spars and rigging. Nautical school.

For the current expenses of the state industrial school for girls at Lancaster, a sum not exceeding twenty-five thousand dollars. Industrial school for girls. G. S. 76.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars. Fugitives from justice. G. S. 177.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars; and for the expenditures of said agent, a sum not exceeding one thousand dollars. Discharged convicts. 1861, 78.

For the compensation of the state police, a sum not exceeding twenty-five thousand dollars. State police. 1865, 249.

For travelling expenses of the state police, a sum not exceeding five thousand dollars. Expenses. 1865, 249.

For clerical, incidental and contingent expenses of the constable of the Commonwealth, a sum not exceeding three thousand dollars, which shall be allowed and paid. Constable of the Commonwealth

From the appropriations for expenses of the state prison, of the state almshouses at Tewksbury, Monson and Bridgewater, and of the reform school for boys at Westborough, the Massachusetts nautical school, and of the industrial school for girls, there may be paid to each in advance, a sum not exceeding one thousand dollars, to be accounted for to the state auditor in the monthly settlements of said institutions; and all sums received by said institutions from cities, towns or individuals, for the support of the inmates, or for articles sold, shall be paid into the treasury of the Commonwealth, except that so much as shall be received from the manufacture of shoes at the Tewksbury almshouse, may be reinvested for that purpose. Advances may be made from certain appropriations for expenses. Proceeds of sales to be paid into State treasury.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1869.

Chap. 28. AN ACT TO FURTHER AMEND AN ACT TO ESTABLISH A FUND FOR THE SUPPORT OF THE GOSPEL MINISTRY IN THE FIRST PARISH IN THE TOWN OF GROTON.

Be it enacted, &c., as follows :

Groton ministerial fund, how may be invested.

SECTION 1. The trustees of the Groton ministerial fund may loan the moneys of said fund, on promissory notes or bonds, secured by mortgages on real estate of at least twice the value of the sum loaned, on such time, and in such sums, not exceeding five thousand dollars in any one loan, as they shall deem expedient; and may invest such portion of said fund as they may be unable to loan on such mortgages, from time to time, in town, city, or state bonds of this Commonwealth, or in government bonds of the United States.

Income from fund, how to be applied.

SECTION 2. Said trustees are hereby authorized to appropriate the income, or interest, accruing from said fund during any vacancy which may occur in the office of a regularly ordained and settled minister in said parish, to the payment of such teachers of religion as may, during the continuance of said vacancy, be employed by said parish.

SECTION 3. This act shall take effect upon its passage.

Approved February 23, 1869.

Chap. 29. AN ACT TO INCORPORATE THE GREAT BARRINGTON SAVINGS BANK.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Egbert Hollister, David S. Draper, Rensselaer N. Couch, their associates and successors, are hereby made a corporation by the name of the Great Barrington Savings Bank, to be established in the town of Great Barrington; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1869.

Chap. 30. AN ACT TO AUTHORIZE THE MERCANTILE SAVINGS INSTITUTION IN THE CITY OF BOSTON TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

May invest \$150,000 in a banking house.

SECTION 1. The Mercantile Savings Institution in the city of Boston is hereby authorized to hold real estate to the amount of one hundred and fifty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building to be used for banking purposes; and all income, if any, arising from such real

estate, shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1869.

AN ACT TO AUTHORIZE THE WILLISTON SEMINARY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 31.

Be it enacted, &c., as follows:

SECTION 1. The Williston Seminary is hereby authorized to hold real and personal estate to the amount of two hundred and fifty thousand dollars, in addition to the amount which it is now authorized to hold, to be devoted exclusively to the purposes of education.

\$250,000 additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1869.

AN ACT TO AUTHORIZE JOSEPH GREGORY TO EXTEND HIS WHARF IN MARBLEHEAD.

Chap. 32.

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Joseph Gregory to extend his wharf on the Red Stone Cove Land in Marblehead to the following line, viz: beginning at the northerly line of said land at high-water mark; thence running south two hundred and fifty feet to a point ten feet east of Crafts Rock in twelve feet depth of water at mean low tide; thence south-west fifty feet; thence south-westerly to a point thirty feet south-east of the most southerly corner of the present wharf on said land: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May extend wharf in Marblehead.

Subject to approval of harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1869.

AN ACT TO INCORPORATE THE BOARD OF MINISTERIAL AID.

Chap. 33.

Be it enacted, &c., as follows:

SECTION 1. Reuben A. Chapman, Charles Theodore Russell, Alpheus Hardy, their associates and successors, are hereby made a corporation by the name of The Board of Ministerial Aid, for the purposes hereinafter set forth; and

Corporators.

Name.

Powers and duties. with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws, which now are or may hereafter be in force relating to such corporations.

Corporation, number of members, &c. SECTION 2. The said corporation shall consist of such number of members, not less than nine nor exceeding fifteen, as it may from time to time determine, and a majority of them shall be laymen. In case of any vacancy in said board by death, resignation or otherwise, the same shall be filled by an election by the remaining members.

May hold property, and use income for support of needy ministers. SECTION 3. The said corporation is authorized and empowered to receive, accept, take and hold all such funds, estate or property, as may in any manner be given, bequeathed or devised to it, and the same to invest in such manner as it may deem most expedient, and from time to time use and appropriate such portions of the income thereof, and where there is nothing in the terms of the gift or grant thereof restraining the same, such portions of the principal thereof, as it may deem expedient, for and to the aid, support or comfort of aged, disabled, superannuated or needy ministers of the Orthodox Congregational denomination in the Commonwealth, or of the widows and children of such ministers.

Real and personal estate. SECTION 4. The said corporation, for the purposes aforesaid, may hold real and personal estate to an amount not exceeding five hundred thousand dollars.

First meeting of corporation. SECTION 5. The first meeting of said corporation may be called by any two of said corporators, by a notice of the time, place and purposes thereof, by them signed, and sent by mail seven days at least before such meeting, to each of the other corporators.

SECTION 6. This act shall take effect upon its passage.

Approved February 23, 1869.

Chap. 34. AN ACT TO CONFIRM CERTAIN ACTS DONE BY NATHAN DURFEE AS A COMMISSIONER TO LOCATE AND SELL LAND SCRIP.

Be it enacted, &c., as follows:

Acts done as a commissioner made valid.

SECTION 1. All acts heretofore done by Nathan Durfee, of Fall River, as a commissioner for locating and selling land scrip received from the United States, appointed under section three of chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-three, are hereby made valid and confirmed, to the same extent as they would have been valid had he been duly qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1869.

ACT IN RELATION TO THE CONVEYANCE OF LOTS IN CEMETERIES *Chap. 35.*
IN CERTAIN CASES.

it enacted, &c., as follows :

SECTION 1. The probate courts, after notice to all persons interested, or their assent thereto, may authorize executors, administrators, guardians or trustees to sell and convey, or lease, lots in cemeteries, belonging to the persons or estates of them represented, upon such terms and in such manner as the judge may order.

Probate courts may authorize sale, &c., of lots in cemeteries.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1869.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS *Chap. 36.*
FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

It is enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and sixty-nine, to wit:

Appropriations authorized.

LEGISLATURE.

For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding twenty-five thousand dollars.

Senate and house printing and binding.
Res. 1856, 74.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand dollars.

Senate stationery.
Res. 1856, 74.

For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding nine hundred dollars.

Printing.
Res. 1856, 74.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand two hundred dollars.

House of representatives, stationery.
Res. 1856, 74.

For printing blanks and circulars and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding one thousand dollars.

Printing.
Res. 1856, 74.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding seven hundred and fifty dollars.

Sergeant-at-arms, books, &c.
G. S. 14.

For the authorized expenses of committees of the legislature, a sum not exceeding two thousand five hundred dollars.

Committees of legislature.
G. S. 14.

For clerical assistance to committees authorized to employ the same, a sum not exceeding five hundred dollars; and the auditor is hereby authorized to audit bills for such assistance,

Clerical assistance to committees.
G. S. 14.

the same having been approved by the chairman of committees, or other members authorized by the committee to certify such accounts.

EXECUTIVE DEPARTMENT.

Governor and council, printing and stationery.
Res. 1866, 74.
Contingent expenses.
G. S. 14.

For postage, printing and stationery, for the governor and council, a sum not exceeding eight hundred dollars.

For the contingent expenses of the governor and council, a sum not exceeding one thousand dollars.

STATE HOUSE.

State house, fuel and lights.
G. S. 14.

For fuel and lights for the state house, a sum not exceeding seven thousand five hundred dollars.

Repairs and furniture.
G. S. 14.

For repairs, improvements and furniture of the state house, a sum not exceeding three thousand dollars.

Contingent expenses of senate and house.
Proviso.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding three thousand dollars: *provided* that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act, or in any act which may be subsequently passed.

Engineer.

The appropriation made in chapter three of the acts of the present year, for the compensation of watchmen and firemen in the state house, shall be held to include the compensation of an engineer.

STATE PRINTING.

Printing—general laws.
G. S. 3; 1866, 65.

For printing such number, not exceeding thirty-five thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding five thousand dollars.

"Blue book."
G. S. 3.

For printing and binding three thousand copies of the "blue book" edition of the acts and resolves of the present year, with the governor's messages and other matters, in the usual form, a sum not exceeding four thousand dollars.

Newspaper publication of general laws, &c.
1866, 193.

For the newspaper publication of the general laws and all other information intended for the public, a sum not exceeding four hundred dollars.

Registration blanks.
G. S. 21.

For the printing and binding of blanks for the use of cities and towns, in the registration of births, marriages and deaths, a sum not exceeding five hundred dollars.

Public documents.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-nine, under the direction of the secretary of the Common-

lish, and for binding the copies to be distributed to the ns and cities, a sum not exceeding thirty thousand ars.	Binding. G. S. 4.
For term reports, a sum not exceeding five thousand five dred dollars.	Term reports. 1869, 290.
For the publication of bank returns, a sum not exceeding hundred dollars.	Bank returns. G. S. 57.
For assessors' books, a sum not exceeding two thousand ars.	Assessors' books. 1861, 167.
For printing and binding the annual railroad reports, a a not exceeding two thousand five hundred dollars.	Railroad re- ports. 1864, 167.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses of the secretary's office, a sum not ceeding four thousand five hundred dollars.	Incidental ex- penses, secre- tary. G. S. 14.
For incidental expenses of the treasurer's office, a sum not ceeding one thousand two hundred dollars.	Treasurer. G. S. 11, 15.
For the expenses of the tax commissioner, a sum not ex- ceeding two thousand two hundred dollars.	Tax commis- sioner. 1864, 208; 1865, 283.
For incidental expenses of the auditor's office, a sum not ceeding four hundred dollars.	Auditor. 1867, 178.
For the purchase of books for the library in the office of e attorney-general, a sum not exceeding two hundred llars, which shall be allowed and paid.	Attorney-gen- eral, library.
For fees, costs and court expenses of the attorney-general, d for incidental and contingent expenses of the office of e attorney-general, a sum not exceeding one thousand ree hundred dollars.	Fees, costs, &c. G. S. 14.
For the incidental and contingent expenses of the insur- ce commissioner, a sum not exceeding eight hundred llars; and a further sum of eight hundred dollars for the cidental expenses of said commissioner, growing out of the aluation of policies of life insurance, to be paid from the fees eceived for such valuation; and for express charges and nsurance publications, a sum not exceeding one hundred ollars, which shall be allowed and paid.	Insurance com- missioner, con- tingent and in- cidental expen- ses. 1866, 255.

MILITARY.

For the incidental expenses and express charges of the djutant-general, a sum not exceeding two thousand six undred dollars.	Adjutant-gen- eral, incidental expenses. 1866, 219; 1867, 260.
For militia bounty, a sum not exceeding one hundred fteen thousand dollars.	Militia bounty. 1866, 219; 1867, 260.
For military accounts, a sum not exceeding six thousand dollars.	Military ac- counts. 1866, 219; 1867, 260.

Quartermaster-general.

For expenses of the bureau of the quartermaster-general a sum not exceeding six thousand seven hundred dollars: viz: for transportation, three thousand dollars; for materials used for the repair of arms, tents, etc., and for general repairs in and about the arsenal buildings, one thousand five hundred dollars; and for incidental and contingent expenses including salutes and preservation of grounds, two thousand two hundred dollars.

Arsenal.
1866, 219; 1867,
266.

Rent of armories.
1866, 219; 1867,
266.

For the rent of armories, a sum not exceeding twenty-six thousand dollars.

Commissioners of state bounties.

For expenses of the commissioners on state bounties, a sum not exceeding two hundred dollars, which shall be allowed and paid.

Commissioner on soldiers' cemeteries.

For expenses of the state commissioner on the soldiers' national cemeteries at Gettysburg and Antietam, a sum not exceeding two hundred dollars, which shall be allowed and paid.

Orderly and roll books, &c.

The unexpended balance of the appropriation made in chapter one hundred and eighty-four of the acts of eighteen hundred and sixty-eight, for orderly and roll books and books of instruction, is hereby made applicable to the same purpose for the present year.

Quartermasters' supplies.

The unexpended balance of the appropriation made in chapter twenty-five of the acts of eighteen hundred and sixty-eight, for quartermasters' supplies, is hereby made applicable to the same purpose for the present year.

Surgeon-general, expenses.
1866, 219; 1867,
266.

For expenses of the bureau of the surgeon-general, a sum not exceeding one thousand dollars.

Medical supplies.
1866, 219; 1867,
266.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for the use of the state militia, a sum not exceeding five hundred dollars.

State aid to non-resident soldiers.
1866, 172.

For the payment from the state treasury of aid to Massachusetts volunteers resident out of the Commonwealth, a sum not exceeding ten thousand dollars.

State aid, expenses.
1866, 172.

For expenses attending the administration of the law providing state aid for Massachusetts volunteers and their families, a sum not exceeding two thousand dollars.

State aid to resident soldiers.

For the re-imbursement of cities and towns for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding seven hundred fifty thousand dollars, the same to be payable on the first day of December, in the year eighteen hundred and sixty-nine.

Union fund.

Of the union fund established under the provisions of chapters two hundred and sixteen of the acts of the year one thousand eight hundred and sixty-one, and one hundred and forty-seven of the acts of the year one thousand eight

hundred and sixty-two, for the payment of any expenses incurred during the present year in the settlement of accounts appertaining to the late war, there is hereby re-appropriated a sum not exceeding two thousand dollars.

For, the payment of bounties remaining due to Massachusetts soldiers, a sum not exceeding fifteen thousand dollars.

Bounties to soldiers.
1863, 91, 264.

AGRICULTURAL.

For bounties to agricultural societies, a sum not exceeding sixteen thousand nine hundred thirty-three dollars and eighty-seven cents.

Bounties to societies.
G. S. 66.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand five hundred dollars.

Expenses of members of board.
G. S. 16.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Expenses of secretary of board.
Res. 1863, 67.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars.

Incidental expenses.
G. S. 16.

For printing the report of the board of agriculture, a sum not exceeding ten thousand dollars.

Printing report.
Res. 1866, 74.

The unexpended balance of the appropriation made in chapter eighty-seven of the resolves of the year eighteen hundred and sixty-seven, concerning the printing of the provincial statutes, is hereby re-appropriated for the publication authorized in said resolve.

Printing and binding provincial statutes.

MISCELLANEOUS.

For the compensation of the commissioners on public lands, and for such clerical assistance as they may find necessary, a sum not exceeding three thousand five hundred dollars; for contingent and incidental expenses of said commissioners, a sum not exceeding five hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.

Commissioners on public lands, compensation.

Expenses.
1857, 70; 1860, 200; 1864, 313.

To the sheriffs of the several counties, for distributing proclamations, blanks, and making returns of votes, a sum not exceeding five hundred dollars.

Distribution of blanks by sheriffs.
G. S. 157.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian.

Books for state library.
G. S. 5.

For the emergency fund, ten thousand dollars, which is hereby made applicable to, and may be used during the

Emergency fund.

present political year, for the purposes and under the provisions and limitations mentioned in chapter twenty-two of the acts of the year eighteen hundred and fifty-eight, which shall be allowed and paid.

Bounty loan
sinking fund.
1863, c1, § 5.

To the bounty loan sinking fund, established under chapter ninety-one of the acts of the year eighteen hundred and sixty-three, to be invested in accordance with the provisions of section five of said chapter, the sum of twenty thousand dollars.

Museum of
comparative
zoölogy.
Williams col-
lege.

To the museum of comparative zoölogy, and to the president and trustees of Williams college, each twenty-five thousand dollars, payable in accordance with the provisions of chapter sixty-four of the resolves of eighteen hundred and sixty-eight.

Harbor com-
missioners.
1866, 149.

For compensation and expenses of the harbor commissioners, a sum not exceeding ten thousand dollars, payable upon vouchers properly approved and filed with the auditor for his certificate.

Flats in Boston
harbor.

In the act relating to certain works on the Commonwealth flats in Boston harbor, a sum not exceeding five thousand dollars, for the compensation and expenses of the engineer therein provided for.

Commissioners
on river fisher-
ies.

Of the appropriation made in chapter three hundred and thirty-eight of the acts of eighteen hundred and sixty-six, for expenses of the commissioners on river fisheries, there is hereby re-appropriated a sum not exceeding eight hundred sixteen dollars and fifty-two cents; and of the appropriation made in chapter three hundred and forty-four of the acts of eighteen hundred and sixty-seven, for expenses of said commissioners, there is hereby re-appropriated a sum not exceeding three thousand two hundred dollars and twenty-one cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1869.

Chap. 37. AN ACT TO AUTHORIZE THE TRUSTEES OF MOUNT HOLYOKE FEMALE SEMINARY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows:

\$400,000 addi-
tional real and
personal estate.

SECTION 1. The trustees of the Mount Holyoke Female Seminary are hereby authorized to hold real and personal estate to the amount of four hundred thousand dollars, in addition to the amount which they are now authorized to hold, to be devoted exclusively to the purposes of education.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1869.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE RAILROAD OF THE BRIDGEWATER AND TAUNTON RAILROAD COMPANY.

Chap. 38.

Be it enacted, &c., as follows:

SECTION 1. The time for the location of the railroad of the Bridgewater and Taunton Railroad Company is hereby extended to the sixteenth day of March, eighteen hundred and seventy-one; and the time for the construction of the same is hereby extended to the sixteenth day of March, eighteen hundred and seventy-three.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1869.

AN ACT TO INCORPORATE THE HUDSON SAVINGS BANK.

Chap. 39.

Be it enacted, &c., as follows:

SECTION 1. Francis Brigham, Edmund M. Stowe, George Houghton, their associates and successors, are hereby made a corporation by the name of the Hudson Savings Bank, to be located in the town of Hudson; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

Corporators.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1869.

AN ACT TO INCORPORATE THE MEDFORD SAVINGS BANK.

Chap. 40.

Be it enacted, &c., as follows:

SECTION 1. Edward Brooks, John Ayres, Henry Hastings, their associates and successors, are hereby made a corporation by the name of the Medford Savings Bank, to be located in the town of Medford; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

Corporators.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1869.

AN ACT TO AUTHORIZE THE NORTH ADAMS SAVINGS BANK TO HOLD REAL ESTATE.

Chap. 41.

Be it enacted, &c., as follows:

SECTION 1. The North Adams Savings Bank is hereby authorized to hold real estate to the amount of fifteen thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for banking purposes; and all income, if any, arising

May invest \$15,000 in a banking house.

Provide.

from such real estate, shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1869.

Chap. 42. AN ACT TO INCORPORATE THE GERMANIA RIFLE ASSOCIATION IN THE TOWN OF ARLINGTON.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. Henry Traiser, John Menzel, Julius Elson, their associates and successors, are hereby made a corporation by the name of the Germania Rifle Association, in the town of Arlington, for the purpose of rifle practice and improvement in the use of fire arms; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate to an amount not exceeding twenty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1869.

Chap. 43. AN ACT TO ABOLISH THE OFFICE OF INSPECTOR OF THE HOSPITAL AT RAINSFORD ISLAND.

Be it enacted, &c., as follows :

Office of inspector abolished.

Duties, how to be performed.

SECTION 1. The office of inspector of the hospital at Rainsford Island is hereby abolished.

SECTION 2. The duties assigned to said inspector shall hereafter be performed under the direction of the board of state charities, by such officer or officers as they may designate.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1869.

Chap. 44. AN ACT TO INCORPORATE THE CHILDREN'S HOSPITAL.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. Chandler Robbins, George H. Kuhn, Nathaniel H. Emmons, their associates and successors, are made a corporation by the name of "The Children's Hospital," for the purpose of establishing and maintaining, in the city of Boston, a hospital for the care, treatment and cure of diseased or maimed children; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

SECTION 2. Said corporation shall have power to hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars. \$150,000 in real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1869.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-EIGHT, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Chap. 45.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit: Appropriations authorized.

LEGISLATIVE.

For books, stationery, etc., ordered by the sergeant-at-arms for the legislature, a sum not exceeding one hundred and seventy-five dollars. Books, stationery, &c.
Res. 1866, 74.

For compensation and expenses of the legislative committee appointed under chapter sixty-seven of the resolves of eighteen hundred and sixty-eight, concerning the remodelling of the state house, a sum not exceeding one hundred and fifty-six dollars and sixty cents. Committee on remodelling state house.

EXECUTIVE DEPARTMENT.

For the mileage and compensation of the lieutenant-governor and council, for the year eighteen hundred and sixty-eight, a sum not exceeding four hundred and five dollars. Mileage, lieutenant-governor and council.
Res. 1866, 65.

COMMISSIONERS, ETC.

For clerical assistance employed by the tax commissioner, a sum not exceeding three hundred and thirty-two dollars; and for contingent and incidental expenses of the tax commissioner, a sum not exceeding two hundred fifty dollars and forty-six cents. Tax commissioner, clerks.
Contingent expenses.
1865, 283.

For contingent and incidental expenses of the insurance commissioner, a sum not exceeding two hundred twenty-seven dollars and forty-two cents. Insurance commissioner, contingent expenses.
1866, 285.

For the compensation and expenses of the commissioners on harbors and flats, a sum not exceeding five hundred and forty-two dollars. Commissioners on harbors and flats.
1862, 88.

STATE PRINTING.

For the republication of Gould's Report on the Invertebrate Animals of Massachusetts, a sum not exceeding one hundred and ninety-six dollars. Report on Invertebrate Animals.
Res. 1867, 32.

- Soldiers' record.** For the publication of the Record of Massachusetts soldiers, a sum not exceeding eleven thousand dollars.
Res. 1866, 96.
- Shareholders in national banks.** For the publication of the report of shareholders in national banks, for the year eighteen hundred and sixty-seven, a sum not exceeding ten dollars.
1867, 188.

MISCELLANEOUS.

- Board of agriculture, expenses.** For personal expenses of members of the board of agriculture, a sum not exceeding twenty-one dollars and fifty-three cents; and for incidental expenses of said board, a sum not exceeding twenty-eight dollars and five cents.
G. S. 16.
- Census statistics.** For the collection of census statistics for the year eighteen hundred and sixty-five, a sum not exceeding one hundred and fifty-six dollars.
1865, 69.
- Weights, measures and balances.** For expenses incurred on account of the standard weights, measures and balances belonging to the Commonwealth, a sum not exceeding eleven dollars and fifty cents, which shall be allowed and paid.
- Electoral college.** For compensation and expenses of the electoral college for the year eighteen hundred and sixty-eight, a sum not exceeding two hundred and fifty dollars.
G. S. 9.
- Commissioner on soldiers' national cemeteries.** For expenses of the state commissioner on the soldiers' national cemeteries at Gettysburg and Antietam, a sum not exceeding fifteen dollars and seventy-five cents, which shall be allowed and paid.
- Essex bridge, repairs.** For repairs on the Essex bridge in eighteen hundred and sixty-eight, a sum not exceeding three hundred sixty-six dollars and eighty-five cents, payable from the Essex bridge fund.
1869, 122.
- Charles River and Warren bridges.** For expenses incurred in the maintenance of the Charles River and Warren bridges for the year eighteen hundred and sixty-eight, a sum not exceeding nine hundred sixty-one dollars and two cents, payable from the Charles River and Warren bridge fund.
1864, 257.
- Henry Vose.** In the resolve, chapter two of the present year, in favor of the family of the late Henry Vose, the sum of one thousand dollars.
- Mass. and R. I. boundary.** For expenses incurred in connection with the establishment of the boundary line between Massachusetts and Rhode Island, a sum not exceeding eighty-three dollars and forty cents, which shall be allowed and paid.
- Sundries.** For sundry small items of expenditure due and unpaid in the year eighteen hundred and sixty-eight and previous years, a sum not exceeding five thousand dollars.

CHARITABLE.

For the support of paupers by cities and towns for eighteen hundred and sixty-seven and previous years, a sum not exceeding ten thousand dollars. Support of paupers by towns. G. S. 71; 1866, 234.

For the burial of state paupers in eighteen hundred and sixty-seven and previous years, a sum not exceeding three thousand dollars. Burial of state paupers. G. S. 70; 1867, 70.

For the support of lunatic state paupers in eighteen hundred and sixty-eight and previous years, a sum not exceeding six thousand dollars. Lunatic state paupers. G. S. 73; 1864, 288.

For coroners' accounts for eighteen hundred and sixty-eight and previous years, a sum not exceeding three hundred dollars. Coroners' inquiries. G. S. 157, 175.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding three hundred ninety-five dollars and fifteen cents. Tewksbury almshouse, current expenses. G. S. 71.

REFORMATORY AND CORRECTIONAL.

For contingent and incidental expenses of the state police for eighteen hundred and sixty-eight, a sum not exceeding one thousand three hundred and four dollars and ninety cents. State police. 1865, 249.

For current expenses of the state prison, a sum not exceeding three thousand twenty-three dollars and ninety-eight cents. State prison. 1865, 303.

For the current expenses of the reform school for boys, a sum not exceeding two thousand sixty-three dollars and forty-five cents. Reform school for boys. G. S. 76.

For the current expenses of the Massachusetts nautical school, a sum not exceeding one hundred twenty-four dollars and fifty-one cents; and for expenses incurred in the construction of new decks and other repairs for the school ship "Massachusetts," a sum not exceeding two thousand four hundred fifty-seven dollars and twenty cents. Nautical school. Repairs on school ship. G. S. 76.

For the current expenses of the industrial school for girls, a sum not exceeding one thousand two hundred eighty-nine dollars and seventy-four cents. Industrial school for girls. G. S. 75.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1869.

AN ACT AUTHORIZING THE CHELSEA GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 46.

Be it enacted, &c., as follows:

SECTION 1. The Chelsea Gas Light Company is hereby authorized to add to its capital stock the sum of fifty thousand dollars: *provided*, that the whole capital stock of said \$50,000 additional capital stock. Provision.

corporation shall not exceed two hundred thousand dollars; and *provided, further*, that said capital stock shall not be so increased until further authorized by a vote of its stockholders, present and voting at a meeting called for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1869.

Chap. 47. AN ACT IN ADDITION TO THE ACTS IN AID OF THE NORTH ADAMS WATER COMPANY.

Be it enacted, &c., as follows:

Adams may issue additional water scrip.

Principal and interest, when and how paid.

To be signed by town treasurer and countersigned by chairman of selectmen.

May be loaned to North Adams Water Co.

Town may tax fire district of North Adams for principal and interest.

Meeting of voters of North Adams to be called within six months. Act to be accepted by two-thirds vote of district. If accepted, meeting of voters of Adams to be called within three months.

SECTION 1. The town of Adams is hereby authorized to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "North Adams Water Scrip," in addition to the amounts now authorized by law, an amount not exceeding twenty thousand dollars, and bearing interest not exceeding the legal rate of interest in this Commonwealth. Said interest shall be payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issue of said notes, scrip or certificates, respectively. All notes, scrip and certificates of debt issued as aforesaid, shall be signed by the treasurer of said town, and countersigned by the chairman of the selectmen, and a record of all such scrip and certificates shall be made and kept by the said treasurer. The town of Adams may loan said notes, scrip or certificates to the "North Adams Water Company," upon such terms and conditions as may be by said town prescribed; and the said water company may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the purpose aforesaid, at such rates and upon such terms as said company shall deem proper.

SECTION 2. The town of Adams is hereby authorized to assess and collect upon the estates, real and personal, in the fire district of North Adams, all taxes necessary to pay the principal and interest of the notes, scrip and certificates issued and loaned as aforesaid.

SECTION 3. A meeting of the legal voters of said fire district shall be called within six months after the passage of this act, for the purpose of having said voters give in their written votes on the question whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Adams shall warn a meeting of the voters of said town within three months therefrom, for the purpose of having said voters give in their written votes upon the question whether they

will accept this act; and if two-thirds of said votes given upon said question shall be in the affirmative, then this act shall be in force; otherwise, it shall be void.

Act to be accepted by two-thirds vote of town.

SECTION 4. This act shall take effect upon its passage.

Approved March 5, 1869.

AN ACT TO INCORPORATE THE SIMONDS MANUFACTURING COMPANY.

Chap. 48.

Be it enacted, &c., as follows:

SECTION 1. Alvan A. Simonds, George F. Simonds and Hale W. Page, their associates and successors, are hereby made a corporation by the name of the Simonds Manufacturing Company, for the purpose of manufacturing, in the town of Fitchburg, mowing and reaping machine knives and sickles, and machine knives of all kinds; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding fifty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until fifty thousand dollars of its capital stock has been paid in in cash.

Real estate.

Capital stock.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 5, 1869.

AN ACT TO CHANGE THE NAME OF "THE WEST PRECINCT OF NEWTON."

Chap. 49.

Be it enacted, &c., as follows:

SECTION 1. The religious society incorporated as "The West Precinct of Newton," and without statute authority styled "The Second Congregational Society of Newton," shall be known by the latter name, which is hereby confirmed as its legal title.

Name changed to "The Second Congregational Society of Newton."

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1869.

AN ACT AUTHORIZING DIRECTORS OF RAILROAD CORPORATIONS TO CHOOSE ONE OF THEIR NUMBER VICE-PRESIDENT, WITH A SALARY.

Chap. 50.

Be it enacted, &c., as follows:

SECTION 1. The board of directors of any railroad corporation may elect one of their number to be vice-president of the board and of the corporation; and such vice-president may receive a salary for his services from the corporation.

Railroad directors may elect one of their number vice-president, with a salary.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1869.

Chap. 51. AN ACT TO INCREASE THE CAPITAL STOCK OF THE CHARLESTOWN GAS COMPANY.*Be it enacted, &c., as follows :*

\$200,000 additional capital stock.

SECTION 1. The Charlestown Gas Company is hereby authorized to increase its capital stock by an amount not exceeding two hundred thousand dollars, at such times and in such sums as the directors may determine.

\$50,000 in real estate.

SECTION 2. Said company is hereby authorized to hold real estate to an amount not exceeding fifty thousand dollars, in addition to the amount heretofore authorized.

SECTION 3. This act shall take effect upon its passage.

*Approved March 5, 1869.***Chap. 52. AN ACT TO INCREASE THE CAPITAL STOCK OF THE JAMAICA PLAIN GAS LIGHT COMPANY.***Be it enacted, &c., as follows :*

\$100,000 additional capital stock.

SECTION 1. The Jamaica Plain Gas Light Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, in addition to the amount heretofore authorized by chapter sixty-three of the acts of the year eighteen hundred and fifty-three; said increase to be made at such times and in such sums as the directors may determine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1869.***Chap. 53. AN ACT MAKING APPROPRIATIONS FROM THE FUNDS AND THE INCOME OF THE FUNDS HEREIN MENTIONED, AND FOR OTHER PURPOSES.***Be it enacted, &c., as follows :*

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the funds and the income of the funds mentioned, to wit:

Rogers book fund, income.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Todd normal school fund, income.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Indian school fund, income.

The income of the Indian school fund shall be applied according to the provisions of chapter thirty-six of the General Statutes.

Agricultural college fund, income.

The income of the agricultural college fund shall be paid in accordance with the provisions of chapter one hundred and eighty-six and chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three.

SECTION 2. The sums mentioned in this section are appropriated, to be paid out of the Charles River and Warren bridge fund, for the year eighteen hundred and sixty-nine, to wit:

Charles River
and Warren
bridge fund.
1867, 66.

On account of the Charles River bridge :

For repairs on said bridge and buildings belonging thereto, a sum not exceeding four thousand dollars.

Charles River
bridge, repairs.

For horse-keeping, a sum not exceeding three hundred dollars.

Horse-keeping.

For gas, oil, fluid and fuel, a sum not exceeding nine hundred dollars.

Lights and fuel.

For incidental and contingent expenses, a sum not exceeding three hundred and fifty dollars.

Incidental ex-
penses.

For the compensation of the draw-tender on said bridge, the sum of one thousand two hundred dollars.

Draw-tender.
1861, 96.

On account of Warren bridge :

For repairs on said bridge and buildings belonging thereto, a sum not exceeding four thousand five hundred dollars.

Warren bridge.
1867, 66.
Repairs.

For horse-keeping, a sum not exceeding three hundred dollars.

Horse-keeping.

For gas, oil, fluid and fuel, a sum not exceeding eight hundred and fifty dollars.

Lights and fuel.

For incidental and contingent expenses, a sum not exceeding five hundred dollars.

Incidental ex-
penses.

For the compensation of the draw-tender on said bridge, the sum of one thousand one hundred dollars.

Draw-tender.
1861, 96.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1869.

AN ACT TO AUTHORIZE THE TOWN OF NORTHAMPTON TO DEFRAY CERTAIN EXPENSES INCURRED IN THE ENDEAVOR TO DETECT INCENDIARIES.

Chap. 54.

Be it enacted, &c., as follows :

SECTION 1. The town of Northampton is hereby authorized, by a vote of the majority of the legal voters of said town present and voting at any town meeting duly held for that purpose, to raise by taxation or otherwise, a sum not exceeding fifteen thousand dollars, for the expenditures that have been made by the selectmen of said town, or under their direction, since the first day of January, in the year eighteen hundred and sixty-seven, in the endeavor to detect and bring to justice persons suspected of setting incendiary fires in said town ; and to pay to any persons who have incurred expenses or liabilities for the purposes before mentioned, whatever sums the selectmen of said town shall determine requisite for their just indemnity.

Northampton
may raise
money by taxa-
tion to meet ex-
penditures
made by select-
men for detec-
tion of incen-
diaries.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1869.

Chap. 55. AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO CONSTRUCT A SEA-WALL AND ROAD OVER RIVER HEAD BEACH AND MARBLEHEAD NECK.

Be it enacted, &c., as follows :

May build road over the harbor side of River Head Beach.

SECTION 1. The town of Marblehead is hereby authorized to build a road over the harbor side of River Head Beach and Marblehead Neck in said town, and in the construction of said road, to build and maintain a sea-wall over so much of said beach and neck as may have been adjudged tide-water, said sea-wall to be not more than fifty feet from, and not higher than the present break-water on said beach and neck : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Subject to approval of the harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1869.

Chap. 56. AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONSTRUCT AND MAINTAIN A RAILROAD TRACK.

Be it enacted, &c., as follows :

Boston may build railroad to transport earth from Fort Hill.

SECTION 1. The board of aldermen of the city of Boston are hereby authorized to lay railway tracks through any of the streets of said city, and maintain them as long as may be necessary, for the transportation of earth and other material from Fort Hill territory, so called, to build Atlantic Avenue, and to fill up the docks and flats inside or westerly of said avenue : *provided*, the same shall not interfere with the chartered rights of the Marginal Freight Railway Company, or unreasonably incommode said company in the use of the tracks thereof.

Proviso.

May use tracks of Marginal Street Railway.

SECTION 2. The city of Boston may use the tracks of the Marginal Street Railway Company for the purposes set forth in the first section of this act, and the board of aldermen may fix the amount of compensation therefor.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1869.

AN ACT TO AUTHORIZE THE CORPORATION CALLED OHABEI SHALOM *Chap. 57.*
TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows:

SECTION 1. The corporation called Ohabei Shalom is hereby authorized to hold real and personal estate to an amount not exceeding twenty-five thousand dollars, in addition to the amount authorized by chapter one hundred and seventy-nine of the acts of the year eighteen hundred and forty-five. \$25,000 additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1869.

AN ACT TO INCORPORATE THE WOMAN'S BOARD OF MISSIONS. *Chap. 58.*

Be it enacted, &c., as follows:

SECTION 1. Sarah L. Bowker, Eliza H. Anderson and Berinthia M. Child, their associates and successors, are hereby constituted a body corporate, to be located in the city of Boston, under the name of the Woman's Board of Missions; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to corporations, so far as the same may be applicable. Corporators. Name. Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding two hundred thousand dollars, to be devoted exclusively to the purposes and objects hereinafter set forth. Real and personal estate.

SECTION 3. The object and purpose of this corporation shall be to collect, receive and hold moneys given by voluntary contributions, donations, bequests or otherwise, to be exclusively expended in sending out and supporting such unmarried females as the prudential committee of the American board of commissioners for foreign missions shall, under the recommendation of the board of directors of this corporation, designate and appoint as assistant-missionaries and teachers for the christianization of women in foreign lands, and for the support of such other female missionaries or native female helpers in the missionary work as may be selected by the board of directors, with the approbation of the said prudential committee. Object and purpose.

SECTION 4. This act shall take effect upon its passage.

Approved March 6, 1869.

Chap. 59. AN ACT TO INCREASE THE NUMBER OF THE TRUSTEES OF ABBOT FEMALE ACADEMY, IN ANDOVER.

Be it enacted, &c., as follows:

Number of trustees increased.

SECTION 1. The trustees of Abbot Female Academy are hereby empowered to increase their number to twelve, five of whom shall constitute a quorum for doing business.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1869.

Chap. 60. AN ACT RELATING TO PROBATE COURTS IN THE COUNTY OF BERKSHIRE.

Be it enacted, &c., as follows:

Probate courts in Berkshire County.

SECTION 1. Probate courts shall be held in the county of Berkshire in each year as follows, to wit: At Pittsfield on the first Tuesdays of January, February, March, April, May, June, September, October and December, and on the third Tuesday in July, and the Wednesday next after the first Monday in November; at Lee on the Wednesdays next after the first Tuesdays in January, April and October, and on the Wednesday next after the third Tuesday in July; at Adams on the Thursdays next after the first Tuesdays in January, April and October, and on the Thursday next after the third Tuesday in July; and at Great Barrington on the Wednesdays next after the first Tuesdays in February, May, September and December.

Repeal.

SECTION 2. So much of section thirty-six of chapter one hundred and seventeen of the General Statutes as relates to the times and places of holding probate courts in the county of Berkshire, and section two of chapter three hundred and twenty-five, and chapter three hundred and twenty-nine of the acts of the year eighteen hundred and sixty-eight, are hereby repealed.

Courts at Lenox.

SECTION 3. Probate courts may be held at Lenox, in the county of Berkshire, at such times as the judge of probate and insolvency for said county may appoint, until the probate records of said county are removed to Pittsfield.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1869.

Chap. 61. AN ACT TO ESTABLISH THE CITY OF HAVERHILL.

Be it enacted, &c., as follows:

City established.

SECTION 1. The inhabitants of the town of Haverhill shall continue to be a body politic and corporate under the name of the City of Haverhill, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, styled the mayor, one council of six, to be called the board of aldermen, and one council of twelve, to be called the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business. And no member of either board shall receive any compensation for his services.

Government vested in mayor and city council.

Quorum.

SECTION 3. The election of city and ward officers shall take place on the first Monday of December of each year; and the municipal year shall begin on the first Monday of January following.

Election of city and ward officers.

SECTION 4. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance, as herein provided, to divide said town into six wards, to contain, as nearly as conveniently may be, an equal number of voters, which division may be revised by the city council within six years from the passage hereof. The city council shall, once in ten years and not oftener, alter, if needful, the boundaries of said wards, in such manner, however, as to preserve, as far as possible, an equal number of voters in each ward.

Selectmen to divide town into six wards.

Ward boundaries may be changed once in five years.

SECTION 5. On the first Monday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators of town meetings; and if, at any meeting, the warden is not present, the clerk shall preside until a warden *pro tempore* is chosen; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside, until a warden *pro tempore* is chosen; and if all said officers are absent, any legal voter in said ward may preside, until a warden *pro tempore* is chosen. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their

Ward officers to be chosen annually.

Powers.

Clerk.

Inspectors. Officers to be sworn.

Warrants for meetings of citizens, how and by whom issued, &c.

duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace for Essex county; a certificate of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and at such times, as the city council shall direct.

Ward meetings may be held without the limits of ward.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had, within the territorial limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and for such purposes the place so assigned for the meeting of such ward, shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

Mayor elected at large for one year.

SECTION 7. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be chosen and qualified in his place.

Six aldermen elected at large for one year, one from each ward.

SECTION 8. Six aldermen,—one alderman being selected from each ward,—shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall hold their offices for one year from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their places.

Common council, two from each ward.

SECTION 9. Two common councilmen shall be elected by and from the voters of each ward, who shall, at the time of their election, be residents of the wards respectively in which they are elected, and shall hold their offices for one year, from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their places.

Election to be held on first Monday in December.

SECTION 10. On the first Monday of December, annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of persons voted for, and the number given for each, to be

written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council, certificates of their elections respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day in any ward, the meeting in such ward may be adjourned from time to time, to complete such election. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if it shall appear that no person has received a majority of the votes, or if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time shall be repeated, until a mayor shall be chosen and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had, as are herein before provided in regard to the choice of mayor. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Essex.

Certificates of election of common councilmen.

Meetings may be adjourned to complete election of common council.

Vacancy in office of mayor.

—in office of alderman.

Oath of office, by whom administered.

The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor or by any justice of the peace for the county of Essex; and a certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks.

City council to meet in convention and be sworn.

If mayor is not elected, proceedings.

And whenever it shall appear that a mayor has not been elected previous to the first Monday of January aforesaid, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

Organization of common council.

After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common council; the clerk to be under oath faithfully to perform the duties of his said office.

City council to be organized if mayor is absent.

In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may, at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization.

Chairman of board of aldermen.

In the absence of the mayor, the board of aldermen may choose a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards.

Each board to keep records.

Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrants for a new election.

Vacancies.

Mayor to be chief executive officer of city.

SECTION 11. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. And he may, whenever in his opinion

May remove his own appointees

the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall, from time to time, communicate to both boards such information and recommend such measures as the business and interests of the city may in his opinion require.

May call special meetings of city council.

He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of one thousand dollars per annum. Afterwards it shall be such as the city council shall determine. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

To preside in board of aldermen and in convention. Salary.

SECTION 12. The executive power of said city generally and the administration, with all the powers heretofore vested in the selectmen of Haverhill, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated.

Executive power vested in mayor and aldermen.

The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all other police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person who may be appointed marshal or constable of the city to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds, taken by the selectmen of towns.

May appoint constables and police officers.

May require marshal or constable to give bond.

The city council shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let or to sell what may be legally let or sold, and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it; and the mayor and aldermen shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debts.

City council to have custody and management of city property.

Annual report of receipts and expenditures, &c.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible by appointment or election to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public when they are not engaged in executive business.

Appointments mayor and aldermen, how made.

Sittings, except executive, to be public.

Treasurer, city clerk and other officers, how chosen.

SECTION 14. The city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a treasurer and collector of taxes, city clerk, one or more superintendents of highways, a city solicitor, city auditor and city physician, who shall hold their offices respectively for the term of one year, and until their successors shall be chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause.

May be removed for cause.

Engineer of fire department and assistants.

SECTION 15. The city council shall, annually, in the month of January, elect by joint ballot, in convention, a chief engineer of the fire department, and as many assistant-engineers, not exceeding eight, as they may deem expedient, who shall hold their offices for the term of one year from the first Monday of February next ensuing, and until their successors are chosen and qualified.

Compensation.

The compensation of the foregoing officers mentioned in the last two sections, shall be fixed by concurrent vote of the city council.

City clerk to be sworn.

Duties.

SECTION 16. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, papers, documents, or other things held by him in his capacity of city clerk.

City council to appoint other officers.

SECTION 17. The city council shall, in such manner as they shall determine, elect or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties and fix their compensation.

To see that money is properly paid from the treasury.

SECTION 18. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money.

Overseers of the poor, mayor to be chairman.

SECTION 19. The board of overseers of the poor in the city of Haverhill shall consist of six members, residents of the city. The mayor, president of the common council, and city marshal, shall be *ex officio* members of the board. The mayor shall be *ex officio* chairman of the board. The city council shall annually elect, by joint ballot in convention, on the first Monday of January, three persons to be members of

To be elected annually.

said board, and to hold their offices for one year next ensuing, and until others shall be elected and qualified in their stead. But no more than one of the three members so to be elected shall be eligible from any one ward of said city. Vacancies occurring in the board may be filled by joint ballot of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove members of the said board from office for cause. The board shall be organized annually on the third Monday in January.

Vacancies, how filled.

Removals for cause.

Organization.

SECTION 20. The city council, chosen in the month of December, in the year eighteen hundred and sixty-nine, shall, on the first Monday of January in the year eighteen hundred and seventy, elect by joint ballot in convention, three persons to be assessors of taxes, one to be chosen for three years, one for two years and one for one year; and thereafter the city council shall, annually, on the first Monday of January, elect in the same manner one person to hold said office for the term of three years from his election, whose compensation shall be fixed by the concurrent vote of the city council. The persons so chosen shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns. In case of a vacancy in said board of assessors, such vacancy shall be filled by the choice of another assessor, in the manner aforesaid, to serve for the unexpired term for which the member whose place he fills was to have held his office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Assessors of taxes, how chosen.

Vacancies, how filled.

SECTION 21. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward, who shall be a resident of said ward, to be an assistant-assessor, whose compensation shall be fixed by the city council; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property-taxable in their respective wards; and they shall be sworn to the faithful performance of their duty.

Assistant-assessors, how chosen.

Duties.

To be sworn.

SECTION 22. The qualified voters of each ward shall, on the first Monday of December, in the year eighteen hundred and sixty-nine, elect by ballot three persons in each ward to be members of the school committee, one to be chosen for three years, one for two years and one for one year from the

School committee, three members from each ward.

first Monday of January in the year eighteen hundred and seventy; and thereafter one person shall be chosen in each ward, at their respective annual meetings, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board. And all the rights and obligations of the town of Haverhill, in relation to the grant and appropriation of money to the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of the school districts in said town, to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools and the erection and repair of school-houses in said city, shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes.

Mayor to be chairman of board.

Rights and obligations of town concerning school money, vested in city.

If no choice of school committee or assistant-assessors, meeting may be adjourned.

City council may lay out sidewalks and oblige abutters to pave the same.

Powers in relation to laying out streets and ways.

Party aggrieved may appeal.

SECTION 23. Should there fail to be a choice of members of the school committee or assistant-assessors in any ward on the day of the annual ward meeting, the meeting shall be adjourned from time to time until the elections shall be completed.

SECTION 24. The city council shall have power to lay out sidewalks, and fix the width, height and grade of the same, and require all persons owning land abutting on such sidewalks to pave the walks with brick, stone or concrete, and keep the same in good repair, as they may direct, the city first setting the curbstones and paving the gutters; and in case any person, owning land as aforesaid, shall neglect or refuse to comply with the requirements of the city council, after receiving due notice of such requirements, the city council shall have power to cause such sidewalks to be paved and kept in good repair according to said requirement, and may recover of said owner, by an action of tort in the name of the city, the expense of paving and keeping the same in good repair. The city council shall have the same powers in relation to the laying out, acceptance, altering or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now have by law, all petitions and questions relating to the same, however, being first acted on by the mayor and aldermen. Any person aggrieved by any proceedings of the mayor and aldermen or of the city council, under this provision, shall have all the rights and privileges now allowed in appeals from the

decisions of selectmen or the inhabitants of towns. No street or way shall hereafter be opened in the city of Haverhill over any private land by the owners thereof, and dedicated to or permitted to be used by the public, of a less width than forty feet, except with the consent of said mayor and aldermen in writing first had and obtained for that purpose. The city council shall also have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby, such damage to be assessed in the same manner and upon the same principles as damages are assessed in the laying out of town ways, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer; and also to require that private drains shall be conducted into the public drain or sewer, in case the said city council shall judge the same necessary or proper for the health and cleanliness of the city.

New streets to be forty feet wide.

Drains and sewers.

SECTION 25. The city council may make by-laws, with suitable penalties, for the inspection and survey, measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in the city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon.

Inspection and sale of lumber, hay, &c.

The city council may also make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however,* that all laws and regulations in force in the town of Haverhill shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance, shall be paid into the city treasury.

By-laws subject to the approval of mayor.

Proviso.

SECTION 26. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

Election of national, state, county and district officers.

SECTION 27. Ten days prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of

Mayor and aldermen to make lists of voters annually, and deliver to clerks of wards.

Lists of voters to be posted. voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant-assessors and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in each ward.

General meetings of citizens. SECTION 28. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

To be called upon request of fifty voters.

Board of health. SECTION 29. All power and authority now vested by law in the board of health for the town of Haverhill, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Fire department. SECTION 30. The act entitled "An Act to establish a fire department in the town of Haverhill," passed the fifth day of March, in the year one thousand eight hundred and forty-one, shall continue in force; and all the power and authority now vested in the selectmen of Haverhill, in relation to the fire department in that town, shall be transferred to and vested in the mayor and aldermen. But the city council shall have power to establish fire limits within the city, and, from time to time, change and enlarge the same; and by ordinance they shall regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the materials of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire.

Water works. SECTION 31. The power and authority vested in the town of Haverhill, by the seventy-third chapter of the acts of the year eighteen hundred and sixty-seven, to purchase, or otherwise take, the property belonging to the Haverhill Aqueduct Company, shall be vested in and may be exercised by the city council.

Charter may be amended by legislature. SECTION 32. Nothing in this act contained shall be so construed as to restrain or prevent the legislature from amending or altering the same whenever they shall deem it expedient.

SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution, pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who at the time of the said repeal taking effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government contemplated by this charter shall be completely effected.

Inconsistent
acts repealed.
Provisos.

SECTION 34. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Haverhill for the time being shall issue their warrants seven days at least previous to the first Monday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such election shall be completed, and to give notice thereof in manner before provided, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided.

Selectmen to
issue warrants
for meetings to
choose city officers.

After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council according to the provisions of section ten of this act, as provided for in

To appoint
place for first
meeting of city
officers.

this section, the day of holding the annual elections and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in said tenth section of this act.

It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

Act void unless
adopted by the
people.

SECTION 35. This act shall be void, unless the inhabitants of the town of Haverhill, at a legal town meeting called for that purpose, shall by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the elections of state officers.

SECTION 36. This act shall go into operation from and after its passage.

Approved March 10, 1869.

Chap. 62.

AN ACT CONCERNING ELECTIONS IN CITIES AND TOWNS.

Be it enacted, &c., as follows :

Meetings may
be opened at
seven o'clock,
A. M., and shall
be by two
o'clock, P. M.
Polls not to be
kept open after
sunset.

Meetings for the election of national, state, county, district, city and town officers, may be opened as early as seven o'clock in the forenoon, and shall be opened as early as two o'clock in the afternoon, of the election day ; but in no case shall the polls be kept open after the hour of sunset.

Approved March 10, 1869.

Chap. 63.

AN ACT TO PREVENT THE MANUFACTURE AND SALE OF ADULTERATED COMMERCIAL FERTILIZERS.

Be it enacted, &c., as follows :

To be labelled
with name of
manufacturer,
&c.

SECTION 1. Commercial fertilizers sold or kept for sale in this Commonwealth, shall have affixed to every bag, barrel or parcel thereof, a printed label, which shall specify the name of the manufacturer or seller, his place of business, and the constituent parts of said fertilizer, together with a statement of the percentage which each constituent part bears to the whole mass.

Penalty for sell-
ing without
label.

SECTION 2. Whoever manufactures, sells or keeps for sale, commercial fertilizers not labelled in accordance with the provisions of the first section of this act, or who shall affix thereto labels not truly specifying the constituent parts of the fertilizers, shall be punished by a fine of ten dollars for the first and twenty dollars for the second and each subsequent offence.

Approved March 10, 1869.

AN ACT CONCERNING FISHERIES IN BASS RIVER IN THE COUNTY OF BARNSTABLE. *Chap. 64.*

Be it enacted, &c., as follows :

SECTION 1. The provisions of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and sixty-eight, shall not apply to the lessees of the towns of Yarmouth and Dennis, while fishing for perch or alewives in Bass River or its tributaries.

Chapter 179 of 1868 not to apply to Yarmouth and Dennis.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1869.

AN ACT TO INCORPORATE THE GRAFTON SAVINGS BANK.

Chap. 65.

Be it enacted, &c., as follows :

SECTION 1. A. M. Bigelow, Samuel Harrington, E. B. Bigelow, their associates and successors, are hereby made a corporation by the name of the Grafton Savings Bank, to be located in the town of Grafton; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, applicable to savings banks and institutions for savings.

Corporators.

Name and purpose.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1869.

AN ACT TO AUTHORIZE CHARLES J. NYE AND OTHERS TO EXTEND THEIR WHARF IN FALMOUTH. *Chap. 66.*

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Charles J. Nye, James Witherell, Alvan Nye, F. G. Nye, Thomas G. Nye, Peter E. Childs and others, owners of a wharf situated at Rocky Point Landing, in the town of Falmouth, built under authority of chapter one hundred and two of the acts of the year eighteen hundred and forty-six, to extend said wharf fifty feet into tide-water : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May extend wharf in Falmouth.

Subject to approval of harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1869.

Chap. 67. AN ACT TO AUTHORIZE DANIEL W. STEVENS TO EXTEND HIS WHARF IN HOLMES' HOLE.

Be it enacted, &c., as follows:

May extend wharf in Tisbury.

Subject to approval of harbor commissioners.

Provisos.

SECTION 1. License is hereby given to Daniel W. Stevens to extend his wharf in Holmes' Hole, in the town of Tisbury five hundred feet, and the extension shall be of the same width as the present structure: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1869.

Chap. 68. AN ACT TO AUTHORIZE THE VERMONT AND MASSACHUSETTS RAILROAD COMPANY TO TAKE LAND IN FITCHBURG FOR DEPOT AND OTHER PURPOSES.

Be it enacted, &c., as follows:

May take land in Fitchburg for depot and track purposes.

Not exempt from taxation.

Powers and duties.

Remedy for damage.

SECTION 1. The Vermont and Massachusetts Railroad Company are hereby authorized to purchase, or otherwise take, so much land between Laurel and South Streets in the town of Fitchburg, including a small parcel adjoining the land of said company on the easterly side of South Street including in all not over one acre, for depot, station or track purposes, and to construct additional tracks thereon, crossing said Laurel and South Streets at the grade thereof: *provided*, that land taken or purchased under this act shall not be exempt from taxation.

SECTION 2. Said corporation shall, in relation to such land, be entitled to all the rights and privileges, and be subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 3. All persons who shall sustain any damage in their property by the taking of such land, shall have all the rights and remedies given by the general laws.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1869.

ACT CONCERNING THE SPRINGFIELD AND FARMINGTON VALLEY RAILROAD COMPANY. *Chap. 69.*

enacted, &c., as follows :

SECTION 1. The second section of chapter one hundred sixty-eight of the acts of the year eighteen hundred and six, is hereby amended so as to permit the location and construction of the Springfield and Farmington Valley Railroad, upon a route commencing at the south line of the state, or in the town of Southwick or Agawam, at the termination of any railroad incorporated by the state of Connecticut, running by any convenient route in the towns of Southwick, Agawam or West Springfield, to and across the Connecticut River, to some convenient point in the city of Springfield, easterly or westerly of the line of the Hartford and New Haven Railroad, and south of State Street.

Location changed.

SECTION 2. In case said railroad company shall locate its road across the Connecticut River at a point south of the Agawam and Mill Rivers, it is hereby authorized and empowered to erect, in connection with a railroad bridge across Connecticut River, a bridge for the convenient use of travellers and passengers, to be well built with suitable materials and of sufficient width, covered with plank, and with rails and partitions, so as to secure the safety of passengers travelling thereon ; and also to demand and receive the same rate of toll, subject to the same regulations and reductions as are provided by law in relation to the " Proprietors of the Springfield Bridge ;" and said bridge shall be kept in good repair at all times.

May erect bridge over Connecticut River for railroad and for travellers and passengers.

SECTION 3. The time limited by statute for the location and construction of said railroad is hereby extended three years.

Tolls.

SECTION 4. The city of Springfield is hereby authorized to subscribe for and hold shares in the capital stock of said company, or loan its credit to the same by guaranteeing its bonds or stock, to an amount not exceeding two and one-half per centum of the assessed valuation of said city ; and said city may pay for such shares out of its treasury, and is hereby authorized to raise by loan upon bonds or tax, or otherwise, any or all sums of money which may be necessary to pay for the same, and may hold and dispose of the same in like manner, as in case of other city property : *provided*, that a majority of the legal voters of said city who may be present and voting thereon shall vote so to do, at a legal meeting called for that purpose by the mayor and aldermen of said city, within ninety days from the passage of this act.

Time for location and construction extended.

Springfield may take stock or loan its credit to road.

To be represented at meetings of corporation by a suitable person elected by mayor and aldermen.

SECTION 5. In case said city shall become a stockholder said company, the mayor and aldermen are hereby authorized and required to elect, annually, a suitable person to represent the stock of said city at all meetings of said company; and said city, so represented, is hereby authorized to vote on the whole amount of the stock held by said city, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Road may unite or contract with other roads for operating conjointly.

SECTION 6. Said company may contract with the stockholders of any road with which its road may connect, for the running and operating of said roads conjointly, or for the hiring of its own road, upon such terms as the directors of the companies may agree, with the assent of three-fourths in interest of the stockholders of the respective companies present and voting thereon at legal meetings called for that purpose.

Approved March 10, 1869.

Chap. 70. AN ACT CONCERNING THE SPRINGFIELD AND LONGMEADOW RAILROAD CORPORATION.

Be it enacted, &c., as follows:

Location changed.

SECTION 1. The second section of chapter two hundred and thirty-two of the acts of the year eighteen hundred and forty-nine, is hereby amended so as to permit the location and construction of the Springfield and Longmeadow Railroad upon a route commencing at any convenient point in the city of Springfield, and terminating at the southerly line of the state, either in the town of Longmeadow or Wilbraham.

Time for location and construction extended.

SECTION 2. The time limited for the location and construction of said railroad is hereby extended three years from the passage of this act.

Repeal.

SECTION 3. The fourth section of chapter eighty-one of the acts of the year eighteen hundred and sixty-four, is hereby repealed.

Springfield may take stock in or loan its credit to road.

SECTION 4. The city of Springfield is hereby authorized to subscribe for and hold shares in the capital stock of said corporation, or loan its credit to the same, by guaranteeing its bonds or stock, to an amount not exceeding two per centum of the assessed valuation of said city; and said city may pay for such shares out of its treasury, and is hereby authorized to raise by loan upon bonds, or tax or otherwise any or all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other city property: *provided*, that a majority of the legal voters of said city, who may be present and voting thereon, shall vote so to do, at a legal meeting called for that purpose by the mayor and aldermen of said city, within ninety days from the passage of this act.

Proviso.

SECTION 5. In case said city shall become a stockholder in corporation, the mayor and aldermen are hereby authorized and required to elect, annually, a suitable person to represent the stock of said city at all meetings of said corporation; and said city, so represented, is hereby authorized to vote on the whole amount of the stock held by said city, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

To be represented at meetings of corporation by suitable person elected by mayor and aldermen.

SECTION 6. Said corporation may contract with the stockholders of any road with which its road may connect, for the running and operating of said roads conjointly, or for the running of its own road, upon such terms as the directors of the companies may agree, with the assent of three-fourths interest of the stockholders of the respective companies present and voting thereon, at legal meetings called for that purpose.

Road may unite or contract with other roads for running conjointly.

Approved March 10, 1869.

ACT TO ESTABLISH THE TAUNTON AND PROVIDENCE RAILWAY COMPANY.

Chap. 71.

enacted, &c., as follows:

SECTION 1. Samuel L. Crocker, Edmund H. Bennett and Thomas Briggs, their associates and successors, are hereby authorized to incorporate by the name of the Taunton and Providence Railway Company; with all the rights, powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force, relating to steam railroad corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said company may locate, construct, maintain and operate a railroad from some convenient point at or near the Weir junction of the Old Colony and Newport Railway, and the New Bedford and Taunton Railroad in the city of Taunton, thence westerly, through the towns of Taunton, Rehoboth and Seekonk, to the state line of Rhode Island, near Hunt's Mills, so called, there to connect with any railroad which may be authorized by the laws of Rhode Island.

May build road from Weir junction to Rhode Island line.

SECTION 3. Said company may, with its road, cross, enter upon, unite with and use the road of the Old Colony and Newport Railway Company, and of the New Bedford and Taunton Railroad Corporation, subject to all the provisions of the general laws relating thereto: *provided*, that in crossing either of said roads it shall be at the expense of the company hereby chartered, and in such manner as may be mutually agreed upon; and in case of disagreement upon the manner in which said crossing shall be made, then a

May unite with Old Colony and Newport and New Bedford and Taunton Railroads.

Proviso.

commissioner, appointed by the supreme judicial court sitting in any county, on the petition of either of said corporations, notice thereof being given to the other, shall have full power to determine the manner of such crossing, and whether the same shall be made at grade, or over or under, or whether there shall be any change of grade, and, if so, how much either road; and the crossing shall be made in the manner determined and prescribed by said commissioner, and entirely at the expense of the Taunton and Providence Railroad Company.

Capital stock and shares.

SECTION 4. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and said company may purchase and hold real and personal estate as may be necessary or convenient for the purposes of their incorporation.

Old Colony and Newport and New Bedford and Taunton Railroads may take stock to the amount of \$50,000.

SECTION 5. The Old Colony and Newport Railway Company and the New Bedford and Taunton Railroad Corporation, when respectively authorized by the votes of their respective stockholders, at meetings called for the purpose, may each subscribe to the capital stock of the company hereby incorporated, to an amount not exceeding fifty thousand dollars.

Location and completion.

SECTION 6. This act shall be void unless said railroad is located within two years and completed within three years from the passage hereof.

Approved March 11, 1869.

Chap. 72. AN ACT TO PROVIDE FOR THE APPOINTMENT OF ASSISTANT CITY CLERKS.

Be it enacted, &c., as follows:

Office of assistant city clerk established.

SECTION 1. Any city in the Commonwealth may establish by ordinance, the office of assistant city clerk, who shall be appointed in such manner and have such duties and powers now belonging to the office of city clerk, as such ordinance shall prescribe and determine.

His certificate to have same force as that of city clerk.

SECTION 2. Any document or paper certified or attested by an assistant city clerk, shall be admissible in evidence in all courts of this Commonwealth, in the same manner and to the same extent as if such document or paper were certified or attested by a city clerk.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 73. AN ACT RELATING TO THE FEES OF JURORS.

Be it enacted, &c., as follows:

Fees of jurors in the supreme judicial and superior courts.

SECTION 1. The fees for attending as a grand juror or a traverse juror, in the supreme judicial court or superior court, shall be three dollars and fifty cents a day for atten-

ance, and eight cents a mile for travel out and home. The fees of jurors in all other cases shall remain as now fixed by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT PROVIDING FOR NOTICE OF THE FILING OF RESCRIPTS.

Chap. 74.

Be it enacted, &c., as follows:

SECTION 1. Whenever a rescript shall be filed in any case or procedure in either the supreme judicial court or in the superior court in any county, it shall be the duty of the respective clerks of said courts forthwith to give notice hereof to an attorney of record of each party, and to transmit a copy of said rescript to the reporter of decisions.

When a receipt is filed in court, clerk to notify attorneys of record, and transmit copy to reporter of decisions.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT RELATING TO THE FISHERIES IN DUKES COUNTY.

Chap. 75.

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and seventy-nine of the acts of the year eighteen hundred and sixty-eight shall not apply to any person catching smelts in any seine or net in any of the waters of Dukes County, while fishing for herring or alewives.

Chapter 179 of 1868 not to apply in Dukes County, when fishing for herring, &c.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT TO EXTEND THE PROVISIONS OF THE ACT OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-EIGHT TO REGULATE FISHING IN CONNECTICUT RIVER.

Chap. 76.

Be it enacted, &c., as follows:

SECTION 1. Any person who shall take, or aid or assist in taking, from the Connecticut River, any shad at any other time than between the fifteenth day of March and the fifteenth day of June in each year, shall forfeit and pay for each offence the sum of one hundred dollars; and any person who shall take, or aid or assist in taking, from the Connecticut River, any salmon before the fifteenth day of March, in the year one thousand eight hundred and seventy-two, shall forfeit and pay for each offence the sum of fifty dollars.

Penalty for taking shad between March 15 and June 15.

Penalty for taking salmon at any time before March 15, 1872.

SECTION 2. Nothing in this act contained shall apply to the taking of any fish by order of the fish commissioners, for the purpose of the natural or artificial propagation of the same.

Commissioners may take fish.

SECTION 3. No person shall set or draw, or shall assist or aid in setting or drawing, any net or seine for the purpose of taking fish in Connecticut River, at any time between the setting of the sun on Saturday evening of each week and the

Seines not to be set or drawn between sunset on Saturday and sunrise on Monday.

Weirs, pounds, &c., to be kept open during same period.

Penalties.

Fish wardens to be appointed.

Repeal.

rising of the sun on the succeeding Monday morning; and the owners of all weirs, pounds and set-nets of any description, placed in the waters of said river, shall cause the same to be and remain open and free for the passage of fish during the said period in each week, in such manner as to satisfy the fish commissioners. And every person who shall violate the provisions of this section, and every person owning or controlling, in whole or in part, any pound or weir, and failing to comply with the requirements of this section, shall forfeit and pay the sum of four hundred dollars to the treasurer of the state for each offence; and any person setting or using, or aiding or assisting in setting or using, any pound, weir or set-net in said river, between the fifteenth day of March and the fifteenth day of June in each year, the meshes whereof are less than five inches in extent, shall also forfeit and pay the sum of four hundred dollars for each offence, and such pounds, weirs and set-nets shall be forfeited to the Commonwealth.

SECTION 4. The mayor and aldermen of any city and the selectmen of any town bordering on the Connecticut River, shall appoint and fix the compensation of one or more suitable persons as fish wardens within their respective cities and towns, who shall make complaint of all offences under this act.

SECTION 5. Chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-eight is hereby repealed.

Approved March 17, 1869.

Chap. 77. AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

Be it enacted, &c., as follows:

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year eighteen hundred and sixty-nine, to wit:

Normal schools.

For the support of the four state normal schools for the present year, the sum of forty thousand dollars.

Teachers' institutes.
G. S. 35.
Pupils.

For teachers' institutes, the sum of three thousand dollars.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars.

Normal school buildings.

For the enlargement of the Framingham normal school building, the sum of twenty-five hundred dollars. For the enlargement of the Westfield normal school building, the sum of twelve thousand dollars, and for furnaces for the same, the sum of seven hundred and fifty dollars; the said

sums and the sums above named to be paid to and expended by the board of education.

For postage, printing, advertising, stationery, the transportation of documents for the board of education, and for the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise provided for, the sum of eleven thousand five hundred dollars.

Postage, printing, &c., board of education. Contingent expenses, normal schools. G. S. 34.

For the expenses of the members of the board of education and the treasurer thereof, a sum not exceeding five hundred dollars.

Expenses of board and treasurer.

For the Massachusetts teachers' association, the sum of eight hundred dollars, on condition that said association shall furnish a copy of the "Massachusetts Teacher" to each school committee in the several cities and towns in the Commonwealth, during the year eighteen hundred and sixty-nine, and furnish satisfactory evidence thereof to the auditor.

Mass. teachers' association. Condition.

For the American institute of instruction, the sum of five hundred dollars, to be paid to the president of said institute in the month of August next.

American institute of instruction.

For county teachers' associations, the sum of three hundred twenty-five dollars.

County teachers' associations. 1864, 68.

For the support of certain Indian schools, the sum of four hundred and five dollars.

Indian schools. G. S. 36.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO LAY OUT A PUBLIC STREET OR WAY ACROSS SOUTH BAY.

Chap. 78.

Be it enacted, &c., as follows :

SECTION 1. The city of Boston is hereby authorized to lay out a public street or way across South Bay, and for that purpose to build a pile bridge, not exceeding one hundred feet in width, from the westerly side of South Bay at or near the southerly end of Pine Island Wharf, so called, to the easterly side of said bay; the said bridge to be located in such a direction, that, if continued eastwardly, it would intersect Federal Street at or near Dorchester Street; and for that purpose the said city of Boston may drive piles in the said bay necessary therefor, and also for such draw piers as may be deemed necessary and proper for the public welfare, and its own convenience; and said bridge so constructed shall be provided with such good and suitable draws as the harbor commissioners may direct, which said city shall open and close at all times for the accommodation of vessels

May build pile bridge across South Bay.

Draws to be provided.

Subject to approval of harbor commissioners.

having occasion to pass the same: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided, further*, that this act shall in no wise impair the legal rights of any person.

Proviso.

Bridge to be built in five years.

SECTION 2. The authority hereby granted to said city may be revoked at any time; and if said city shall neglect for the space of five years to build and finish said bridge, then this act shall be void.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 79. AN ACT TO INCORPORATE THE CALEDONIAN CLUB IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William Kerr, Charles Mitchell, William Kelso, their associates and successors, are hereby made a corporation by the name of the Caledonian Club, in the city of Boston, for the purpose of promoting the moral, intellectual and social culture of its members, by means of lectures, a library and a reading-room, and also for the purpose of establishing a charitable fund for the benefit of said members; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force, relating to such corporations.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate to an amount not exceeding twenty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 80. AN ACT TO INCORPORATE THE EAST BOSTON YOUNG MEN'S CHRISTIAN ASSOCIATION.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Luther A. Wright, E. Nelson Blake, Richard Beeching, their associates and successors, are hereby made a corporation by the name of the East Boston Young Men's Christian Association, in the city of Boston, for the purpose of promoting the spiritual welfare and mental culture of young men; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, not exceeding fifty thousand dollars in value. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT TO INCORPORATE THE HAYDENVILLE SAVINGS BANK.

Chap. 81.

Be it enacted, &c., as follows:

SECTION 1. Joel Hayden, W. M. Trow, Joel Hayden, junior, their associates and successors, are hereby made a corporation by the name of the Haydenville Savings Bank, to be located in that part of the town of Williamsburg called Haydenville; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings. Corporators.
Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT TO INCORPORATE THE HOME SAVINGS BANK, IN BOSTON.

Chap. 82.

Be it enacted, &c., as follows:

SECTION 1. D. B. Stedman, Henry Smith and Samuel Atherton, their associates and successors, are hereby made a corporation by the name of the Home Savings Bank, to be located in Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings. Corporators.
Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT TO AUTHORIZE THE WEYMOUTH AND BRAINTREE INSTITUTION FOR SAVINGS TO HOLD REAL ESTATE.

Chap. 83.

Be it enacted, &c., as follows:

SECTION 1. The Weymouth and Braintree Institution for Savings is hereby authorized to hold real estate to the amount of twenty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation. May invest \$20,000 in a banking house.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 84. AN ACT TO ESTABLISH THE BELCHERTOWN CEMETERY ASSOCIATION.
Be it enacted, &c., as follows :

Corporators. SECTION 1. Franklin Dickinson, E. R. Bridgman, S. W. Longley, their associates and successors, are hereby made a corporation by the name of the Belchertown Cemetery Association, for the purpose of purchasing, holding and improving lands, to be used as a cemetery, in the town of Belchertown; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are, or hereafter may be in force, and applicable to such corporations.

Name and purpose.

Powers and duties.

Capital stock. SECTION 2. Said corporation shall have a capital stock of ten thousand dollars, and may hold, for the purposes aforesaid, real estate to that amount.

Real estate. SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 85. AN ACT TO AUTHORIZE JOHN GIRDLER TO EXTEND HIS WHARF IN BEVERLY.

Be it enacted, &c., as follows :

May extend wharf in Beverly. SECTION 1. License is hereby given to John Girdler to extend his eastern wharf in Beverly, fifteen feet into tide-water, to a line with the end of his western wharf, and to connect the two wharves so as to form one wharf: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Provisos. SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 86. AN ACT TO INCORPORATE THE SALEM BOARD OF TRADE.
Be it enacted, &c., as follows :

Corporators. SECTION 1. Willard P. Phillips, Charles A. Ropes and John S. Jones, their associates and successors, are hereby made a corporation by the name of the Salem Board of Trade, for the purpose of promoting trade and commerce in the city of Salem and its vicinity; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, applicable to such corporations: *provided*,

Name and purpose.

Powers and duties.

Proviso.

however, that this act shall not be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, to be devoted exclusively to the purposes of said corporation. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT TO LEGALIZE THE ACTS AND PROCEEDINGS OF THE "FITCHBURG VILLAGE BAPTIST SOCIETY," AND TO CHANGE THE NAME THEREOF.

Chap. 87.

Be it enacted, &c., as follows:

SECTION 1. The organization of the "Fitchburg Village Baptist Society," which was effected on the second day of March, in the year eighteen hundred and thirty-one, and the subsequent re-organization of said society, under an act entitled an act to incorporate the "Village Baptist Society in Fitchburg," approved by the governor on the twenty-first day of February, in the year eighteen hundred and thirty-four, and all subsequent proceedings of said society, under and by virtue of such organization and act aforesaid, so far as the same are entered and now appear upon the records of said society in the possession of the clerk thereof, are hereby ratified and confirmed, and the same shall be taken to be good and valid in law to all intents and purposes whatsoever; and the several persons now appearing by said records to have been chosen as officers of said corporation, are hereby authorized to perform all their respective official duties until their successors shall be chosen and qualified; and all acts done and performed by said officers, in their supposed official capacities as officers of said corporation, are hereby fully ratified and confirmed. Organization ratified and confirmed.

Officers to act until successors are chosen and qualified.

SECTION 2. Said corporation is hereby authorized to take the name of the "First Baptist Society in Fitchburg," and is further authorized to hold real estate not exceeding in value the sum of fifty thousand dollars. Name.

Real estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NEW BEDFORD AND TAUNTON RAILROAD COMPANY.

Chap. 88.

Be it enacted, &c., as follows:

SECTION 1. That the New Bedford and Taunton Railroad Company are hereby authorized to extend their railroad, with power to construct, maintain and use a railroad with convenient single or double tracks, from a point at or near May extend road to Boston and Providence Railroad, near Hebronville station.

its present terminus in the city of Taunton, or upon the Taunton Branch Railroad, at or near the freight station of said road in Taunton; thence in a westerly direction through the city of Taunton, and the towns of Rehoboth, Attleboro' and Pawtucket, to a point upon the Boston and Providence Railroad near the Hebronville station.

May unite with
Taunton
Branch and
Providence
Railroads.

SECTION 2. Said company may unite with the Taunton Branch and Boston and Providence Railroads, and use the tracks of said roads, upon the terms and subject to the provisions of the statutes of this Commonwealth, relating to railroads and railroad companies.

\$350,000 addi-
tional capital
stock.
Shares.

SECTION 3. Said company are hereby authorized to increase their capital stock by an amount not exceeding three hundred and fifty thousand dollars, to be divided into three thousand five hundred shares of one hundred dollars each.

To be located in
one year and
constructed in
two years.

SECTION 4. This act shall be void unless the said railroad extension is located within one year and constructed within two years from the passage hereof.

SECTION 5. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 89. AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE WILLIAMSBURG AND NORTH ADAMS RAILROAD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Time for loca-
tion and con-
struction ex-
tended.

SECTION 1. The time within which the railroad of the Williamsburg and North Adams Railroad Company shall be located and constructed, is hereby extended to the first day of June, in the year eighteen hundred and seventy-four.

Chap. 321, § 7,
of 1867, amend-
ed.

SECTION 2. Section seven of chapter three hundred and twenty-one of the acts of the year eighteen hundred and sixty-seven, is hereby amended by striking out the words "within three years from the date of the passage of this act," and substituting therefor the words "before the first day of June, in the year eighteen hundred and seventy-four."

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1869.

Chap. 90. AN ACT TO INCORPORATE THE GREENFIELD SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. John Sanderson, William Keith, Chester C. Conant, their associates and successors, are hereby made a corporation by the name of the Greenfield Savings Bank, to be established in the town of Greenfield; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or

Name.

Powers and du-
ties.

may hereafter be in force, applicable to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1869.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE MASSACHUSETTS WAR FUND, AND TO CREATE A SINKING FUND FOR ITS REDEMPTION.

Chap. 91.

Be it enacted, &c., as follows :

SECTION 1. For the purpose of funding the present floating debt of the Commonwealth, incurred on account of war expenses, and for the redemption of scrip issued under authority of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, entitled "An Act to establish the Massachusetts War Fund, and to create a Sinking Fund for its redemption," the treasurer and receiver-general, under the direction of the governor and council, is hereby authorized, instead of any further issue of six per cent. scrip, as authorized under the provisions of said chapter or of chapter two hundred and eighty-four of the acts of said year, to issue sterling scrip or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding five millions of dollars, for a term of twenty years, the principal and interest payable in gold in the city of London. Said scrip, or certificates of debt, shall be issued with interest coupons attached, and shall bear an annual interest of five per cent., payable semi-annually, on the first days of March and September in each year. Such scrip, or certificates of debt, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at maturity, and shall be sold and disposed of, in such manner and at such times and in such pieces and amounts, as the governor and council shall deem for the best interest of the Commonwealth.

Floating debt to be funded.

Sterling scrip to be issued, principal and interest payable in London in gold.

To be countersigned by governor, and disposed of under direction of governor and council.

SECTION 2. The sinking fund provided for in said chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, shall be held applicable to the redemption of the scrip issued under the provisions of this act, as fully as to the redemption of that issued under the original act establishing said fund.

Sinking fund under chap. 122 of 1865 to redeem scrip issued under this act.

SECTION 3. Any premium which may be received from the sale of the scrip, or certificates of debt, issued under authority of this act, together with the income of the union loan sinking fund created under the provisions of chapter two hundred and nine of the acts of the year eighteen hun-

Premiums on sale of scrip, &c., to be added to fund.

dred and sixty-one, and chapter eighty of the acts of the year eighteen hundred and sixty-two, and the income of the Back Bay lands fund, created under the provisions of chapter two hundred and thirty-five of the acts of the year eighteen hundred and fifty-six and chapter two hundred of the acts of the year eighteen hundred and sixty, shall be paid into and constitute a part of the sinking fund established under the provisions of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, and entitled the "Massachusetts War Loan Sinking Fund."

SECTION 4. This act shall take effect upon its passage.

Approved March 19, 1869.

Chap. 92. AN ACT CONCERNING THE APPOINTMENT OF MEN FOR HOSE-CARRIAGES.

Be it enacted, &c., as follows :

Hose men may be appointed.

SECTION 1. Selectmen, engineers of fire departments, and the board of engineers of fire districts, in towns having one or more steam fire-engines, or in which water for extinguishing fires is supplied from hydrants, may appoint such number of men to hose-carriages as they deem expedient, not to exceed twenty men to each hose-carriage.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 93. AN ACT CONCERNING INSURANCE BROKERS.

Be it enacted, &c., as follows :

Insurance broker, what constitutes.

SECTION 1. Whoever acts or aids in any manner in negotiating contracts of insurance, or placing risks, or effecting insurance, for any person other than himself, receiving compensation therefor, and is not the officer, agent or sub-agent of the company or companies in which such insurance is effected, shall be deemed to be an insurance broker.

Not to act without authority from insurance commissioner.

SECTION 2. No person shall act as an insurance broker until he has procured a certificate of authority so to act, from the insurance commissioner. Such certificate shall authorize the person named therein to negotiate contracts of insurance, or place risks, or effect insurance with any insurance company established in this Commonwealth, or its agents, and with the agents of any insurance company not incorporated in this Commonwealth, which has complied with all of the laws thereof, and is duly authorized to do business therein: *provided*, such agents have duly given bond to make returns and pay taxes, and have complied with all other requirements of said laws.

Provided.

Whoever assumes to act as an insurance broker otherwise than as aforesaid, shall be held to be an insurance agent, and

subject to all the duties, requisitions, liabilities and penalties set forth in the laws relating to such agents.

SECTION 3. The insurance commissioner shall grant certificates of authority as aforesaid, which shall continue in force until the first day of April next after the date thereof, and shall be renewed on said day and annually thereafter.

Certificates of authority to act to terminate April 1, annually.

For each certificate so granted, and for each renewal hereof, there shall be collected and paid into the treasury of the Commonwealth, the sum of ten dollars.

Fee.

SECTION 4. Whoever violates any of the provisions of this act, shall be punished by a fine not exceeding five hundred dollars.

Penalty.

Approved March 20, 1869.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONSTRUCT DRAINS ON FORT HILL, AND FOR OTHER PURPOSES.

Chap. 94.

Be it enacted, &c., as follows :

SECTION 1. The city of Boston is hereby authorized to construct and maintain such new drains or sewers for the efficient and proper drainage of Fort Hill territory, so called, in the city of Boston, over any lots of land of said territory as the board of aldermen may deem necessary, and shall allow compensation for any damages occasioned thereby, in the same manner as is now provided by law in relation to the construction of common sewers.

City may construct sewers for drainage of Fort Hill territory.

Damages.

SECTION 2. The board of aldermen of the city of Boston may reduce the grade of estates that require excavation upon Fort Hill, to the level which has been or may hereafter be determined upon for the improvement of said territory ; and for such purpose may cause the removal of buildings, whether abutting on streets or otherwise, in the same manner and with the same provision for damages as is now provided in relation to buildings upon lands taken for streets.

Aldermen may reduce grade of estates on Fort Hill.

May remove buildings.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

AN ACT CONCERNING THE ELECTION OF OFFICERS IN THE TOWN OF PROVINCETOWN.

Chap. 95.

Be it enacted, &c., as follows :

SECTION 1. The election of town officers heretofore made on the eighth day of February, in the year eighteen hundred and sixty-nine, in the town of Provincetown, so far as the same may appear illegal, for the reason that the check list was not used in the said election, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

Election of town officers confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 96. AN ACT TO AUTHORIZE THE EMPLOYMENT OF A CLERK BY THE SECRETARY OF THE BOARD OF AGRICULTURE, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Clerkship
established.
Salary.

SECTION 1. The secretary of the board of agriculture is hereby authorized to employ one clerk at a salary not exceeding eleven hundred dollars per annum.

Other clerical
services, &c.

SECTION 2. The secretary of the board of agriculture is hereby authorized to expend for other clerical services in his office, and for lectures to be given before the board of agriculture, at its annual and other meetings, a sum not exceeding four hundred dollars.

Repeal.

SECTION 3. Chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-five, is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 97. AN ACT IN ADDITION TO THE SEVERAL ACTS INCORPORATING THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, &c., as follows :

All powers to
be vested in the
government of
institute.

SECTION 1. All the powers and privileges now vested by law in the Massachusetts Institute of Technology, shall hereafter be exercised and enjoyed by the government of said institute, as the same is now constituted, or as the same may hereafter be constituted: *provided, however,* that the governor of the Commonwealth, the chief justice of the supreme judicial court, and the secretary of the board of education shall continue to be members of said government, as is now provided by law.

Proviso.

Government
may establish
by-laws, &c.

SECTION 2. Said government shall have power to establish any by-laws which they may deem expedient for the regulation of the affairs of said corporation: *provided,* the same are not repugnant to the general laws of this Commonwealth.

Proviso.

Associate mem-
bers to be mem-
bers of Society
of Arts.

SECTION 3. All persons who are now associate members of said institute, or who hereafter shall become such, shall be entitled to be members of the Society of Arts, with the rights and privileges thereof, as the same are or hereafter may be established by the by-laws.

SECTION 4. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 98. AN ACT TO AUTHORIZE THE BUILDING OF A BRIDGE OVER MITCHELL'S RIVER, IN CHATHAM.

Be it enacted, &c., as follows :

Bridge may be
built over
Mitchell's River
in Chatham.

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized and empowered, if in their judgment the public necessity and convenience so require, to

out a public way and construct a bridge across Mitchell's river, in the town of Chatham, at such place as said commissioners may determine: *provided*, that all things done under this act shall be submitted to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year one thousand eight hundred and sixty-six.

Subject to approval of harbor commissioners.

SECTION 2. Said commissioners, in laying out and constructing said bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways; at the expense of such laying out and construction shall be paid by the town of Chatham.

Commissioners to build bridge, expense paid by Chatham.

SECTION 3. This act shall be void unless said commissioners shall lay out such way and bridge within three years from its passage.

To be laid out and built within three years.

SECTION 4. This act shall take effect upon its passage.

Approved March 20, 1869.

AN ACT TO INCORPORATE THE WEBSTER MUTUAL FIRE INSURANCE COMPANY.

Chap. 99.

As it enacted, &c., as follows:

SECTION 1. Henry H. Stevens, Frederick D. Brown, J. A. Dresser, Benjamin A. Corbin, John F. Hinds, Eben S. Stevens, their associates and successors, are hereby made a corporation by the name of the Webster Mutual Fire Insurance Company, in the town of Webster, for the purpose of making insurance against losses or damage by fire or lightning, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which are or may be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1869.

AN ACT TO INCORPORATE THE SAINT JOHN'S LITERARY INSTITUTE.

Chap. 100

As it enacted, &c., as follows:

SECTION 1. John W. Skelley, John B. Curtis, Patrick H. Collier, their associates and successors, are hereby made a corporation by the name of the Saint John's Literary Institute, in Cambridge, for the purpose of promoting moral and intellectual improvement, by lectures, debate, a library, reading room and otherwise; with all the powers and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding twenty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 101

AN ACT TO CHANGE THE CORPORATE NAME AND TO PROVIDE FOR AN INCREASE OF THE CAPITAL STOCK OF THE STURBRIDGE COTTON MILLS.

Be it enacted, &c., as follows :

Name changed to Fiskdale Mills.

SECTION 1. The Sturbridge Cotton Mills, a corporation established in the town of Sturbridge, in the county of Worcester, by chapter forty-nine of the acts of the year eighteen hundred and thirty-six, shall be hereafter called and known as the Fiskdale Mills.

\$350,000 additional capital stock.

SECTION 2. Said corporation is hereby authorized to add to its capital stock three hundred and fifty thousand dollars, so that its capital stock may be five hundred thousand dollars ; and to hold real estate necessary and convenient for the purposes of its business, to an amount not exceeding three hundred thousand dollars.

Real estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 102

AN ACT TO INCORPORATE THE IPSWICH SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Joseph Ross, Aaron Cogswell, Frederic Willcomb, their associates and successors, are hereby made a corporation by the name of the Ipswich Savings Bank, to be located in the town of Ipswich ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

Name and purpose. Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 103

AN ACT AUTHORIZING THE TAUNTON BRANCH RAILROAD CORPORATION TO CONSTRUCT A RAILROAD FROM ITS ROAD TO ATTLEBOROUGH.

Be it enacted, &c., as follows :

May build road to connect with Boston and Providence Railroad.

SECTION 1. The Taunton Branch Railroad Corporation is hereby authorized to locate, construct and operate a railroad from a convenient point on the line of its present road, at or near Crane's Station, or between said station and the Whittenton Station ; thence westerly through the city of Taunton, if the road herein authorized begins in said city, and the towns of Norton and Attleborough, to a convenient point on

the railroad of the Boston and Providence Railroad Corporation, at or near the Attleborough station in said last named town; subject to the provisions of the general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation may unite its road, at the western terminus as aforesaid, with the road of the Boston and Providence Railroad Corporation, and may enter upon and use the same; and the Boston and Providence Railroad Corporation may enter upon and use the said road of the Taunton Branch Railroad Corporation; subject, respectively, to the provisions of the general laws which are or may be in force relating to connecting railroads.

Each road may enter upon and use the other.

SECTION 3. The railroad herein authorized shall be located within one year, and constructed within two years from the passage of this act.

To be located in one year and built in two years.

SECTION 4. The Taunton Branch Railroad Corporation may increase its capital stock for the purposes aforesaid, by an amount not exceeding two hundred thousand dollars.

\$200,000 additional capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved March 20, 1869.

AN ACT AUTHORIZING THE LEASE OF THE STONEHAM BRANCH RAILROAD TO THE BOSTON AND LOWELL RAILROAD CORPORATION, AND AN INCREASE OF THE CAPITAL STOCK OF THE STONEHAM BRANCH RAILROAD COMPANY.

Chap. 104

Be it enacted, &c., as follows:

SECTION 1. The Boston and Lowell Railroad Corporation and the Stoneham Branch Railroad Company are hereby authorized to contract from time to time for the operation and management of said Stoneham Branch Railroad by said Boston and Lowell Railroad Corporation; and whenever said corporations shall choose, said Stoneham Branch Railroad may from time to time be leased to said Boston and Lowell Railroad Corporation.

Stoneham Branch Railroad may be leased to Boston and Lowell Railroad.

SECTION 2. The directors of said Stoneham Branch Railroad Company are hereby authorized, by vote of the stockholders thereof at meetings duly called for the purpose, to increase its capital stock from time to time: *provided*, that the whole amount of the capital stock of said company shall not exceed one hundred thousand dollars.

Capital stock may be increased by vote of the stockholders.

Provido.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 105 AN ACT TO AUTHORIZE NATHANIEL M. JEWETT AND OTHERS TO BUILD A BRANCH RAILROAD TRACK IN EAST BOSTON.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Nathaniel M. Jewett, Edward L. Jewett and Franklin W. Pitcher, are hereby authorized to construct, maintain and use, in such manner as may be prescribed and directed by the board of aldermen of the city of Boston, a railway, with such tracks as the said board of aldermen may from time to time permit; the rails for said tracks to be of such pattern as the board of aldermen may prescribe, and to be suitable for railway freight cars in common use; said railway to commence at a point on Bremen Street in Boston, at the Eastern Railroad, thence across Bremen Street, thence across land of the East Boston Company, thence across Chelsea Street to Eagle Street, thence along Eagle Street to the Glendon Rolling Mill Wharf, now owned and occupied by said parties authorized.

May build street railway in Boston, under direction of board of aldermen.

Location.

To be used for freight, and cars drawn by horse power.

SECTION 2. Said railway shall be used by said parties for the transportation of freight only, and the cars thereon shall be drawn by horse power only, unless the use of other motive power shall be sanctioned by said board of aldermen.

May unite with Eastern R. R. and East Boston Freight R. R.

SECTION 3. Said parties may unite with the Eastern Railroad Company and East Boston Freight Railroad Company: *provided*, that such connection shall be made with the consent, in writing, of said Eastern Railroad Company, and said East Boston Freight Railroad Company, and on such terms and conditions as the company with which such connection shall be made shall prescribe.

Streets to be kept in repair, &c.

SECTION 4. Said parties shall keep in repair, to the satisfaction of the superintendent of the streets of the city of Boston, all the paving between their rails and three feet outside thereof on each side, and the board of aldermen of the city of Boston shall have full power to regulate the manner of running cars on said railway.

When to take effect.

SECTION 5. This act shall take effect as soon as it shall be accepted by the board of aldermen of the city of Boston.

Approved March 20, 1869.

Chap. 106 AN ACT TO INCORPORATE THE AMESBURY AND SALISBURY ACADEMY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Josiah B. Gale, William C. Binney, Robert Fowler and David C. Dearborn, and their associate proprietors and successors, are hereby made a corporation by the name of the Amesbury and Salisbury Academy, in the towns of Amesbury and Salisbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of ten thousand dollars. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

AN ACT TO INCORPORATE THE UNION EXCHANGE COMPANY IN THE CITY OF BOSTON. Chap. 107

Be it enacted, &c., as follows :

SECTION 1. James A. Dupee, Charles O. Whitmore, Alexander H. Rice, their associates and successors, are hereby made a corporation by the name of the Union Exchange Company, in the city of Boston, for the purpose, by purchase or lease, to hold and possess such real estate situated in the city of Boston, as they may deem needful for an exchange building for the accommodation of merchants and others, not exceeding fifty thousand square feet of land, and may sell, convey, lease, mortgage or otherwise dispose of the same, or any part thereof, as they shall deem expedient; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or may be hereafter in force, applicable to such corporations: *provided*, that nothing in this act shall be construed to authorize the said company to buy and sell merchandise in their corporate capacity. Corporators.
Name.
Real estate.
Powers and privileges.
Proviso.

SECTION 2. The capital stock of said company, to be invested in such real and personal estate as may be necessary and convenient for the purposes aforesaid, shall be fixed at six hundred thousand dollars, divided into shares of one hundred dollars each; and said company may increase the said capital stock to the sum of one million dollars, by vote of the stockholders, at any legal meeting of said corporation specially called for the purpose; but no contract for building shall be entered into until the whole of the capital stock, as now established, shall be paid in in cash. Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

AN ACT TO INCORPORATE THE TURNER'S FALLS LAND AND IMPROVEMENT COMPANY, OF MONTAGUE. Chap. 108

Be it enacted, &c., as follows :

SECTION 1. Alvah Crocker, Matthew Chapman, Wendell T. Davis, their associates and successors, are hereby made a corporation by the name of the Turner's Falls Land and Improvement Company, to be located in the town of Montague, during the term of fifteen years from and after the passage of this act, for the purpose of purchasing, holding, improving, selling, leasing or otherwise disposing of real Corporators.
Name and purpose.

Chap. 105 AN ACT TO AUTHORIZE NATHANIEL M. JEWETT AND OTHERS TO BUILD A BRANCH RAILROAD TRACK IN EAST BOSTON.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Nathaniel M. Jewett, Edward L. Jewett and Franklin W. Pitcher, are hereby authorized to construct, maintain and use, in such manner as may be prescribed and directed by the board of aldermen of the city of Boston, a railway, with such tracks as the said board of aldermen may from time to time permit; the rails for said tracks to be of such pattern as the board of aldermen may prescribe, and to be suitable for railway freight cars in common use; said railway to commence at a point on Bremen Street in Boston, at the Eastern Railroad, thence across Bremen Street, thence across land of the East Boston Company, thence across Chelsea Street to Eagle Street, thence along Eagle Street to the Glendon Rolling Mill Wharf, now owned and occupied by said parties authorized.

May build street railway in Boston, under direction of board of aldermen.

Location.

To be used for freight, and cars drawn by horse power.

SECTION 2. Said railway shall be used by said parties for the transportation of freight only, and the cars thereon shall be drawn by horse power only, unless the use of other motive power shall be sanctioned by said board of aldermen.

May unite with Eastern R. R. and East Boston Freight R. R.

SECTION 3. Said parties may unite with the Eastern Railroad Company and East Boston Freight Railroad Company: *provided*, that such connection shall be made with the consent, in writing, of said Eastern Railroad Company, and said East Boston Freight Railroad Company, and on such terms and conditions as the company with which such connection shall be made shall prescribe.

Streets to be kept in repair, &c.

SECTION 4. Said parties shall keep in repair, to the satisfaction of the superintendent of the streets of the city of Boston, all the paving between their rails and three feet outside thereof on each side, and the board of aldermen of the city of Boston shall have full power to regulate the manner of running cars on said railway.

When to take effect.

SECTION 5. This act shall take effect as soon as it shall be accepted by the board of aldermen of the city of Boston.

Approved March 20, 1869.

Chap. 106 AN ACT TO INCORPORATE THE AMESBURY AND SALISBURY ACADEMY

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Josiah B. Gale, William C. Binney, Robert Fowler and David C. Dearborn, and their associate proprietors and successors, are hereby made a corporation by the name of the Amesbury and Salisbury Academy, in the town of Amesbury and Salisbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes.

Name and purpose.

Powers and duties.

has been actually raised by taxation in such district for such property; and *provided, further*, that any money or property, held in trust by virtue of any gift, devise or bequest, for the benefit of any school district now existing, shall hereafter continue to be held and used in the same manner, and for the same purpose, according to the terms thereof.

SECTION 3. The corporate powers and liabilities of any school district abolished by this act, shall continue and remain for the purposes expressed in section six, chapter thirty-nine of the General Statutes. Powers of district to continue for certain purposes.

SECTION 4. All acts and parts of acts, inconsistent with this act, are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 24, 1869.

AN ACT RELATING TO SEWERS AND DRAINS.

Chap. 111

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of any city, and the selectmen of any town, may lay, make, and maintain all such main drains, or common sewers, as they shall adjudge to be necessary for the public convenience or the public health, through the lands of any persons or corporations, and may repair the same from time to time, whenever repair thereof shall be necessary; and all main drains and common sewers so laid, shall be the property of the city or town laying the same. Cities and towns may make and maintain drains and common sewers.

SECTION 2. When any lands or real estate shall be taken by virtue of this act, the proceedings in the several cities shall be the same, in all respects, as in the laying out of highways or streets in such cities respectively; and the proceedings in the several towns shall be the same in all respects as in the laying out of town-ways. Lands to be taken as in laying out streets and highways.

SECTION 3. All persons or corporations suffering damage in their property, by reason of the laying, making or maintaining of any main drains or common sewers, shall have the same rights and remedies for ascertaining and recovering the amount of such damage, in the several cities, as in the case of the laying out of highways or streets in such cities respectively, and in the several towns, as in the case of laying out of town-ways. Damages to be determined as in laying out streets and highways.

SECTION 4. Sections one, two and three of chapter forty-eight of the General Statutes, are hereby repealed, except as to rights and obligations already accrued; and the remaining sections of said chapter, so far as the same are applicable, shall apply to the laying out of sewers and drains under this act. Repeal.

Approved March 26, 1869.

Chap. 112 AN ACT CONCERNING LOTTERIES, AND THE SALE OF TICKETS IN LOTTERIES WITHOUT THE COMMONWEALTH.

Be it enacted, &c., as follows:

Promoting lot-
teries in State,
drawn or man-
aged out of
State.

SECTION 1. Whoever, in this Commonwealth aids, either by printing or writing, or is in any way concerned in the setting up, promoting, managing or drawing of any lottery for money, set up, promoted, managed or drawn, without this Commonwealth, shall for such offence be punished by a fine not exceeding two thousand dollars.

Selling lottery
tickets, or hav-
ing in possession
with intent
to sell.

SECTION 2. Whoever, in this Commonwealth, sells, either for himself or for another person, or offers for sale, or has in his possession with intent to sell or offer for sale, or to exchange or negotiate, or in anywise aids or assists in the selling, exchanging or negotiating of a ticket or a share of a ticket in any lottery named in the first section of this act, shall, for each offence, be punished by a fine not exceeding two thousand dollars.

Approved March 26, 1869.

Chap. 113 AN ACT CONCERNING THE SPRINGFIELD STREET RAILWAY COMPANY.

Be it enacted, &c., as follows:

Charter renew-
ed and capital
stock reduced.

SECTION 1. All the rights, privileges, liabilities, duties and restrictions granted to, and imposed upon, the Springfield Street Railway Company by chapter sixty-three of the acts of the year eighteen hundred and sixty-eight, subject to any general laws relating to street railways, are hereby renewed, except that the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars.

Route from
Main Street
through State
Street to Oak
Street.

SECTION 2. Said corporation may also construct, maintain and use a street railway extending from Main Street easterly through State Street to a point at or near Oak Street.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1869.

Chap. 114 AN ACT TO REVIVE THE CHARTER OF THE ROXBURY BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Charter revived
and time for lo-
cation and con-
struction ex-
tended.

Chapter seventy-five of the acts of the year eighteen hundred and sixty-seven is hereby revived, and the time for locating the railroad authorized thereby is hereby extended two years, and for the completion of the same four years, from the passage hereof.

Approved March 26, 1869.

Chap. 115 AN ACT TO AUTHORIZE CHARLES R. MITCHELL TO CONSTRUCT A RAILROAD FROM HIS QUARRY LAND TO "HAYWARD'S CREEK," IN QUINCY.

Be it enacted, &c., as follows:

May maintain
and use railroad
in Quincy.

SECTION 1. Charles R. Mitchell is hereby authorized to lay out, construct, maintain and use a railroad from his

quarry land, in the town of Quincy, to his land lying on 'Hayward's Creek,' west of Newcomb's Wharf in said town, with the right and privilege of extending the same to his wharf, east of Turner's Wharf on said creek: *provided*, that the consent of the owners of the land over which said railroad may be laid out, and of the selectmen of said town, for the construction of said railroad, shall first be obtained.

Subject to consent of selectmen.

SECTION 2. Said railroad and extension of the same may be laid out, constructed, maintained and used, over and across highways and town-ways, on the grade of the same.

Road to cross highways at grade.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1869.

AN ACT TO EXTEND THE CHARTER OF THE FITCHBURG MUTUAL FIRE INSURANCE COMPANY.

Chap. 116

Be it enacted, &c., as follows:

The Fitchburg Mutual Fire Insurance Company, in the town of Fitchburg, shall be and remain a body corporate after the expiration of its present charter, as fully as if no limitation in regard to time were contained therein; and shall continue to have the powers and privileges, and to be subject to the duties, liabilities and restrictions set forth in its charter and in the general laws which are or may be in force relating to mutual fire insurance companies.

Charter extended without limitation of time.

Approved March 26, 1869.

AN ACT TO AUTHORIZE CHARLES R. MITCHELL TO CONSTRUCT A WHARF IN QUINCY.

Chap. 117

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Charles R. Mitchell to construct and maintain a wharf on his land, situated on the north side of "Hayward's Creek," in the town of Quincy, between Newcomb's Wharf and Turner's Wharf, not to extend beyond a straight line drawn from the head of Newcomb's Wharf to the head of Turner's Wharf: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf in Quincy

Subject to approval and control of harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1869.

Chap. 118 AN ACT TO INCORPORATE THE MIDDLESEX STONE BRICK COMPANY.
Be it enacted, &c., as follows:

Corporators. SECTION 1. Edmund M. Wood, Horace P. Tobey, J. Franklin Fuller, their associates and successors, are hereby made a corporation by the name of the Middlesex Stone Brick Company, to be established in the city of Boston, for the purpose of manufacturing and selling bricks, tiles, drain-pipe, and other building materials; with all the privileges and powers, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Name and purpose.

Powers and duties.

Real estate. SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding fifty thousand dollars, and the whole capital stock shall not exceed seventy-five thousand dollars, divided into shares of one hundred dollars each:

Capital stock and shares. *provided, however,* that said corporation shall not go into operation until thirty thousand dollars of its capital stock shall be paid in in cash.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1869.

Chap. 119 AN ACT TO AUTHORIZE THE NORTHAMPTON GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows:

\$50,000 additional capital stock. SECTION 1. The Northampton Gas Light Company is hereby authorized to increase its capital stock by an amount not exceeding fifty thousand dollars: *provided,* that said capital stock shall not be so increased until further authorized by a vote of the stockholders of said company, at a legal meeting called for that purpose.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1869.

Chap. 120 AN ACT TO PREVENT FRAUDS IN THE SALE OF COTTON SEWING THREAD.

Be it enacted, &c., as follows:

Cotton sewing thread on spools, &c., to be labelled to show quantity in length or weight. SECTION 1. Every manufacturer of cotton sewing thread, or person engaged in putting up such thread on spools or in packages of one pound weight or less, intended for sale, shall, before the same is offered for sale, affix to, or impress upon each spool or several package a label or stamp designating the quantity of thread each spool or package contains, either by giving the length in yards or by giving the weight.

Penalty for not labelling or labelling falsely. SECTION 2. If any such person shall purposely neglect to affix such label to, or impress such stamp upon each spool or several package of thread, or shall, with intent to deceive,

affix to or impress upon, or cause or suffer to be affixed to or impressed upon any spool or package of thread intended for sale, a label or stamp specifying that such spool or package contains a greater number of yards or a greater quantity of thread by five per cent. than such spool or package contains, he shall forfeit the sum of five dollars for each spool or package so without a label or stamp or falsely labeled or stamped that shall be sold or be delivered to any person to be sold; to be recovered, one-half to the use of the state, and one-half to the use of the party who shall sue for the same.

SECTION 3. Any merchant, jobber or trader who shall sell or offer for sale cotton sewing thread, on spools or in packages, that he knows or has reason to believe is falsely labeled or stamped as regards length or quantity, shall be liable to the penalty prescribed in the preceding section.

Seller of thread liable to same penalty as manufacturer.

Approved March 26, 1869.

AN ACT IN RELATION TO THE PARTITION OF LANDS.

Be it enacted, &c., as follows:

SECTION 1. The probate court may make partition of lands held by joint tenants, coparceners or tenants in common, when the shares of the respective parties are not in dispute between them, in like manner and by like proceedings as said court may now make partition of the real estate of a deceased person among his heirs and devisees.

Probate court may make partition of lands of joint tenants, &c., when shares are not in dispute.

SECTION 2. Upon any petition for partition in the probate court, the notice required by law may be dispensed with when all persons interested signify in writing their assent to the partition or waive the notice.

Notice may be dispensed with, if parties assent.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1869.

Chap. 121

AN ACT AUTHORIZING AN INCREASE OF THE EXPENDITURES FOR DISCHARGED CONVICTS.

Be it enacted, &c., as follows:

The agent for discharged convicts is hereby authorized to expend five hundred dollars annually, for the purposes specified in section sixty-six, chapter one hundred and seventy-nine of the General Statutes, in addition to the amount authorized by chapter seventy-eight of the acts of the year eighteen hundred and sixty-one.

Additional appropriation for agent of discharged convicts.

Approved March 26, 1869.

Chap. 122

Chap. 123 AN ACT TO REGULATE THE ERECTION OF WOODEN BUILDINGS IN CERTAIN PARTS OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Provisions concerning wooden buildings extended to new wards in Boston.

SECTION 1. The provisions of chapter two hundred and eighty of the acts of the year eighteen hundred and fifty, are hereby extended and made applicable to those parts of the city of Boston comprised in wards thirteen, fourteen and fifteen.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1869.

Chap. 124 AN ACT TO AUTHORIZE BRADFORD BARNES AND OTHERS TO EXTEND THEIR WHARF IN PLYMOUTH.

Be it enacted, &c., as follows:

May extend wharf in Plymouth.
Subject to approval of harbor commissioners.

SECTION 1. License is hereby given to Bradford Barnes, Ellis Barnes and Benjamin Barnes, to extend their wharf in Plymouth, easterly not to exceed twenty-five feet: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1869.

Chap. 125 AN ACT TO AUTHORIZE THE TOWN OF NEWTON TO COMPENSATE DAVID ALMON FOR INJURIES RECEIVED IN THE SERVICE OF SAID TOWN.

Be it enacted, &c., as follows:

Newton may raise one thousand dollars by tax to pay David Almon, an injured fireman.

SECTION 1. The town of Newton is hereby authorized, by a vote of the majority of the legal voters present and voting at any town meeting duly held for that purpose within one year from the passage of this act, to raise by taxation or otherwise, and pay David Almon of said Newton, a sum not exceeding one thousand dollars, as compensation for injuries sustained while in the discharge of his duty as a fireman in the service of the town.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1869.

AN ACT TO INCORPORATE THE MONADNOCK RAILROAD COMPANY.*Chap. 126**Be it enacted, &c., as follows:*

SECTION 1. John H. Fairbank, Charles L. Beals, Ephraim Murdock, junior, their associates and successors, are hereby made a corporation by the name of the Monadnock Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Powers and duties.

SECTION 2. Said company may construct and maintain a railroad, with one or more tracks, for the transportation of persons and merchandise from a point at the terminus of the Monadnock Railroad on the boundary line between the states of New Hampshire and Massachusetts and between the town of Rindge in New Hampshire and the town of Winchendon in Massachusetts, and thence running in a southerly direction in the town of Winchendon to some point on the Cheshire Railroad in said Winchendon.

From terminus of Monadnock Railroad to Cheshire road in Winchendon.

SECTION 3. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and said company may purchase and hold such real estate and engines, cars and other property as may be found necessary for the purposes of said road.

Capital stock and shares.

SECTION 4. The said Monadnock Railroad Company may unite their road with the Cheshire Railroad, and may enter upon and use the track of said railroad, upon the terms and subject to the provisions of the statutes of the Commonwealth relating to railroads and railroad corporations.

Monadnock Railroad may unite with Cheshire Railroad.

SECTION 5. The legislature may authorize any railroad corporation to enter their road upon the road of the company hereby incorporated, upon the same terms and conditions as are prescribed in the preceding section, for the entrance of the road of said company upon the road of the Cheshire Railroad Company.

Other railroads may enter upon this road under general laws.

SECTION 6. Said Monadnock Railroad Company is hereby authorized and empowered to lease or transfer all their property, right and franchise under this charter to the Cheshire Railroad Corporation, whenever mutual arrangements may be made to that effect, for a limited time or perpetually; and either of said corporations is hereby authorized to accept such lease or transfers whenever agreed upon by the parties.

Monadnock Railroad may lease road to Cheshire Railroad.

SECTION 7. If the said company shall not, within three years, file a location of their route in the manner required by law, and shall not, within five years, complete one track of said road, then this act shall be void.

Location to be filed in three years and track built in five years.

May unite with
railroad in New
Hampshire.

SECTION 8. The said company is hereby authorized to unite with any railroad company which is or may be incorporated in the state of New Hampshire, with authority to build a railroad from Peterborough to the state line, at the terminus of said railroad hereby authorized to be constructed.

If companies
unite, to be
named Monad-
nock Railroad
Co.

And when the two companies shall have so united, the stockholders of the one company shall become the stockholders of the other company, and the two companies shall constitute one corporation by the name of the Monadnock Railroad Company; and the franchise, property and power acquired under the authority of said states, respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares or amount of property held by them respectively, in either or both of said corporations.

One or more
officers to be
inhabitant of
Mass.
Service of pro-
cess.

SECTION 9. One or more of the directors or other officers of said united corporations shall, at all times, be an inhabitant of this Commonwealth, on whom process against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process returnable.

To keep separ-
ate accounts of
expenditures in
Mass. and N. H.

SECTION 10. Said company shall keep separate accounts of their expenditures in Massachusetts and New Hampshire, respectively, and two commissioners shall be appointed by the governor, who shall hold their offices for the term of three years, and they shall be reasonably compensated by said company, and shall decide what portion of all expenditures of said company, and what portion of its receipts and profits, properly pertain to that part of the road lying in the two states, respectively, and the annual report required to be made to the legislature of this Commonwealth, shall be approved by said commissioners.

Commissioners
to decide what
expenses and
profits pertain
to parts of road
in each State.

Liability of
company and
stockholders in
Mass.

SECTION 11. Said company and the stockholders therein, so far as their road is situated in Massachusetts, shall be subject to all the duties and liabilities created by the provisions of the laws of this Commonwealth, to the same extent as they would have been if the union of said companies had not taken place.

Not to take ef-
fect until sim-
ilar law is passed
in N. H.

SECTION 12. The provisions contained in the four preceding sections, and all the provisions of this act which contemplate a union of said companies, shall not take effect until similar provisions shall have been authorized and adopted by the authorities of the state of New Hampshire, nor until said provisions shall have been accepted by the stockholders of said two corporations, respectively, at legal meetings called for that purpose.

Subject to ac-
ceptance of
selectmen.

SECTION 13. This act shall take effect upon its passage.

Approved March 27, 1869.

AN ACT TO AUTHORIZE THE FITCHBURG AND WORCESTER RAILROAD COMPANY TO FORM A BETTER CONNECTION WITH THE VERMONT AND MASSACHUSETTS RAILROAD IN FITCHBURG, AND FOR THE CONSTRUCTION OF A UNION PASSENGER DEPOT IN FITCHBURG.

Chap. 127

Be it enacted, &c., as follows :

SECTION 1. The Fitchburg and Worcester Railroad Company are hereby authorized to use for freight and passenger trains, at all times, without restrictions, excepting those imposed by the general laws relating to railroads, the track near the passenger depot of the Fitchburg Railroad Company in the town of Fitchburg, forming the connection between said Fitchburg and Worcester Railroad and the Vermont and Massachusetts Railroad; and are authorized to construct, maintain and use, as above stated, another track not more than twenty feet distant from said first-named track, on the north-easterly side thereof, and to connect the same with the Vermont and Massachusetts Railroad at or near Water Street in said Fitchburg, crossing said street at grade: *provided, however*, that said existing track shall not be used without restriction, nor said new track constructed until the depot hereinafter mentioned shall have been constructed.

Fitchburg and Worcester Railroad may use track of Fitchburg road in Fitchburg, and connect with Vermont and Mass. Railroad.

Proviso.

SECTION 2. If said Fitchburg Railroad Company and said Fitchburg and Worcester Railroad Company shall not within six months from the passage of this act, by mutual agreement, erect and maintain a union passenger depot over said existing track, and over the site of said proposed track, and over the tracks now laid down in the passenger depot of said Fitchburg Railroad Company, then, upon petition of either of said railroad companies and notice to the other, three commissioners shall be appointed by the supreme judicial court, who, after due notice and hearing, shall determine the size, style and quality of said union depot, the time of its construction, and the proportion of expense to be borne by each of said companies; and said depot shall be constructed under the directions and according to the orders of said commissioners, or a majority thereof.

Union passenger depot to be built.

If roads fail to agree, depot to be built by commissioners appointed by S. J. C.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1869.

AN ACT CONCERNING AGRICULTURAL SOCIETIES.

Chap. 128

Be it enacted, &c., as follows :

Section two of chapter one hundred and eighty-nine of the acts of the year eighteen hundred and sixty-six, is hereby repealed.

Repeal.

Approved March 27, 1869.

Powers and duties. estate in said town, to an amount of land not exceeding one hundred acres; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, the same to be divided into shares of one hundred dollars each; and no share in said capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 109

AN ACT TO INCORPORATE THE CURTIS HAT FACTORY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles H. Coffin, Robert Couch and William Cushing, their associates and successors, are hereby made a corporation by the name of the Curtis Hat Factory, for the manufacture of hats, in the city of Newburyport; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

Name and purpose.
Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold such real and personal estate as may be necessary for the purpose set forth in this act; and shall not commence business until thirty thousand dollars of its capital stock shall have been paid in.

Not to commence business until \$30,000 capital is paid in.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1869.

Chap. 110

AN ACT TO ABOLISH THE SCHOOL DISTRICT SYSTEM.

Be it enacted, &c., as follows:

District system abolished.

SECTION 1. The school district system in this Commonwealth is hereby abolished.

Towns to take possession of district property, &c.

SECTION 2. Each town in which the district system now exists shall forthwith take possession of all the school-house land, apparatus and other property, owned and used by several school districts therein, which said districts may lawfully convey, and shall appraise the same, levy a tax therefor and remit said tax in the manner provided by section third, chapter thirty-nine of the General Statutes: *provided*, that the appraisal of the school property in any district or the amount to be remitted, shall not exceed the sum of

Provisos.

AN ACT TO INCORPORATE THE HIGHLAND CONGREGATIONAL SOCIETY *Chap. 130*
OF BOSTON.

Be it enacted, &c., as follows:

SECTION 1. Moses Day, Stephen N. Stockwell, Laban S. Beecher, their associates and successors, are hereby made a corporation as a religious society, by the name of the Highland Congregational Society; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws of this Commonwealth, which now are or may hereafter be in force, relating to such corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of one hundred thousand dollars, for parochial and religious purposes.

Real and personal estate.

SECTION 3. The Eliot City Mission Society, a corporation duly established and organized, is hereby authorized and empowered, upon such terms as said corporation may deem expedient, to transfer and convey any and all of their real and personal estate and property to the corporation hereby created; and all the acts and proceedings of the said Eliot City Mission Society, at a meeting thereof held on the first day of March, and also by adjournment, on the second day of March, eighteen hundred and sixty-nine, are hereby legalized and confirmed; and said last named society may, at any adjournment of said meeting, do and perform any and all acts which they could do and perform at any meeting legally called and held; and said society may, at any adjournment of said meeting, or at any other meeting thereof called by their president and secretary, by publishing notice of the time and place of the same, in two or more newspapers published in Boston, at least seven days before said meeting, or at any meeting called in pursuance of any by-law of said society hereafter to be made, or otherwise duly called, authorize and empower any person or persons to make the conveyance and transfer aforesaid, and do any other acts necessary or proper to be done for the purpose of vesting the title to said property in the corporation hereby created; and the corporation last named may, whenever they may deem it expedient, sell and convey said property, or any part thereof, and the proceeds of all such sales shall be applied to the purposes mentioned in section second of this act, but no purchaser shall be responsible for the application of the purchase money.

Eliot City Mission Society may sell property to this society.

Acts and proceedings confirmed.

May authorize conveyance and transfer of property.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1869.

Chap. 131 AN ACT TO AUTHORIZE RAILROAD CORPORATIONS TO ISSUE REGISTERED BONDS.

Be it enacted, &c., as follows :

May issue registered instead of coupon bonds.

SECTION 1. Railroad corporations may issue registered bonds in all cases where they are now authorized by law to issue coupon bonds.

Upon request of owner or holder of coupon bonds upon terms prescribed by directors and trustees.

SECTION 2. Railroad corporations are hereby authorized, at the request of the owner or holder of any coupon bonds lawfully issued by such corporations, to issue registered bonds in exchange for and in lieu of such coupon bonds, upon such terms, and under such regulation as the directors of the company, with the consent and approval of the trustees to whom any mortgage or pledge shall have been executed, to secure the payment of the coupon bonds, shall prescribe ; and such registered bonds shall, with the exception of the coupons, correspond in all respects with the coupon bonds, and shall be in conformity with all laws authorizing the issue of the coupon bonds, for which the same are exchanged.

Exchange of bonds not to affect security for payment.

SECTION 3. The exchange of coupon bonds for registered bonds under the provisions of this act, shall not affect any mortgage or pledge given as security for the payment of such coupon bonds, and such mortgage or pledge shall remain in full force as security for such registered bonds.

Not to apply to bonds guaranteed by State.

SECTION 4. This act shall not apply to any bonds, the payment of which has been or shall be guaranteed by the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved April 1, 1869.

Chap. 132 AN ACT RELATING TO THE CONVEYING OF CHILDREN TO AND FROM THE PUBLIC SCHOOLS.

Be it enacted, &c., as follows :

Towns may raise money for conveyance of pupils to and from schools.

SECTION 1. Any town in this Commonwealth may raise by taxation or otherwise, and appropriate money to be expended by the school committee in their discretion, in providing for the conveyance of pupils to and from the public schools.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1869.

Chap. 133 AN ACT TO CHANGE THE HARBOR LINE IN GLOUCESTER HARBOR.

Be it enacted, &c., as follows :

Harbor lines in Gloucester changed.

SECTION 1. Section two of chapter one hundred and twenty-four of the acts of eighteen hundred and sixty-six, entitled "An Act to establish certain harbor lines in the harbor of Gloucester," is hereby amended by striking out

the words beginning with "four hundred and twenty-five feet to a point three hundred and ninety feet distant from monument C," and ending with the words "three hundred and forty-eight feet distant from monument C," and inserting therefor the following words, viz.: "three hundred and twenty feet to a point four hundred and forty-five feet distant from monument C; thence south-westerly in a straight line one hundred and eighty-five feet to a point four hundred and twenty-six feet distant from monument C; thence running south-westerly and southerly on an arc of a circle of one hundred and thirty feet radius a distance of one hundred and twenty-six feet to a point four hundred and four feet distant from monument C; thence south-easterly in a straight line one hundred and eighty-four feet to a point three hundred and forty-eight feet distant from monument C."

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1869.

AN ACT CONCERNING THE SALEM FIRE DEPARTMENT.

Chap. 134

Be it enacted, &c., as follows:

SECTION 1. Section three of chapter three hundred and twenty-three, of the acts of the year eighteen hundred and sixty-seven, is hereby amended, by striking out the following words: "and the performance of other offices and duties now incumbent upon firewards;" also the words, "or the special acts relating to the city of Salem now in force."

Amendment of 1867, 323, § 3.

SECTION 2. Chapter fifty-eight of the acts of the year eighteen hundred and forty-five is hereby repealed.

Repeal of 1845, 58.

Approved April 1, 1869.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE CHARLESTOWN INFANT SCHOOL SOCIETY."

Chap. 135

Be it enacted, &c., as follows:

SECTION 1. The Charlestown Infant School Society, incorporated March twenty-eight, in the year eighteen hundred and thirty-four, shall be hereafter known and called by the name of The Infant School and Children's Home.

Name changed.

SECTION 2. Said corporation, in addition to its existing powers, may provide temporary homes for indigent, vagrant or destitute children in Charlestown and its vicinity, and may provide such other relief and instruction as said corporation may deem advisable; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws that now are or may hereafter be in force in relation to such corporations.

May provide temporary homes for destitute children.

Powers and duties.

May receive children into their care and bind them out.

SECTION 3. Said corporation, by its directors or managers, at their discretion, may receive into their care such children as aforesaid, and accept a surrender, in writing, by the father, or where there is no father having his legal domicile within the Commonwealth, by the mother, or where there is no father or mother having such domicile, by the guardian, of any child or children, to the care and direction of said corporation; and also receive into its charge any child or children being destitute of parents having such domicile, or of a legal guardian in the Commonwealth, or being deserted by their parents or guardian in such manner as to have no regular home provided by them under the custody and care of such parents or guardian; and to bind out in suitable families, until the age of twenty-one years, any boy or boys, and until the age of eighteen years, any girl or girls, thus surrendered, destitute or deserted, and taken and received under its charge.

May consent to adoption of children.

SECTION 4. The directors or managers shall have authority to consent to the adoption of any child which shall have been surrendered to the corporation as aforesaid, or of any child indigent, destitute or deserted as aforesaid, taken under the charge of said corporation, not having any parent or guardian having a legal domicile in said Commonwealth, or either of whose parents is insane or imprisoned in the state prison or house of correction, under a sentence for a term of not less than three years, or who has wilfully neglected to provide proper care and maintenance for such child for six months preceding the time of filing the petition for adoption; and such consent, in writing, shall have the same legal effect as the written consent of the parents of such child, if living and so consenting, and the decree of adoption of the court shall have full effect. All proceedings for such adoption shall be had conformably to chapter one hundred and ten of the General Statutes, and all laws in addition thereto, so far as applicable.

Such consent to have same legal effect as if given by parents.

May establish rules and by-laws for management of institution.

SECTION 5. The directors or managers may establish any rules and by-laws for their action, by committees or otherwise, for the management of the concerns of the institution, and for the regulation and performance of their duties, not repugnant to the laws of the Commonwealth.

Real and personal estate.

SECTION 6. Said corporation may hold, by gift, grant, bequest, devise or otherwise, any real and personal estate to an amount not exceeding fifty thousand dollars.

S. J. C. may order child to be restored to parent.

SECTION 7. The supreme judicial court shall have authority, in its discretion and upon such terms as it shall deem expedient, to order that any child taken or bound out by said

corporation; or adopted with its consent under the provisions of this act, shall be restored to its parent, parents or guardian; and nothing in this act shall be construed to take away or abridge the power now vested in said court to make decrees concerning the care, custody, education and maintenance of minor children.

SECTION 8. This act shall take effect upon its passage.

Approved April 1, 1869.

AN ACT TO AUTHORIZE THE BOSTON CHILDREN'S FRIEND SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 136

Be it enacted, &c., as follows:

SECTION 1. The Boston Children's Friend Society is hereby authorized to hold real and personal estate to an amount not exceeding fifty thousand dollars, in addition to the amount authorized by chapter sixty-six of the acts of the year eighteen hundred and thirty-four.

\$50,000 additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1869.

AN ACT TO REVIVE AN ACT CONCERNING THE FIRST METHODIST EPISCOPAL CHURCH OF NORTH ANDOVER.

Chap. 137

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and two of the acts of the year eighteen hundred and sixty-eight is hereby revived and in full force.

Charter revived.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1869.

AN ACT CONCERNING THE WARE RIVER RAILROAD.

Chap. 138

Be it enacted, &c., as follows:

SECTION 1. Chapter seventy-six of the acts of the year eighteen hundred and sixty-seven, entitled "An Act to incorporate the Ware River Railroad Company," is hereby revived and continued in force, and the time for the location of said Ware River Railroad and the construction of the first section thereof, is hereby extended to the first day of July, in the year eighteen hundred and seventy-four.

Charter revived and time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1869.

AN ACT TO AUTHORIZE FRANKLIN KING AND JOSEPH W. COLBURN TO EXTEND THEIR WHARF IN CHILMARK.

Chap. 139

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Franklin King and Joseph W. Colburn to extend their wharf in Chilmark, on the north side of the island of Martha's Vineyard, two

May extend wharf in Chilmark.

Subject to approval of harbor commissioners.

Provisos.

hundred and fifty feet into tide-water: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1869.

Chap. 140

AN ACT TO AUTHORIZE THE TOWN OF MALDEN TO PAY A SUM OF MONEY TO THE WIDOW OF DAVID S. FAULKNER.

Be it enacted, &c., as follows:

Malden may vote money to the widow of David S. Faulkner.

SECTION 1. The town of Malden is hereby authorized, by a vote of the majority of the legal voters present and voting at any town meeting duly held for that purpose within one year from the passage of this act, to pay to the widow of David S. Faulkner, who was killed in that town while in the discharge of his duty as a police officer, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1869.

Chap. 141

AN ACT CONCERNING TELEGRAPH COMPANIES.

Be it enacted, &c., as follows:

Telegraph wires may be cut to remove buildings.

Proviso.

SECTION 1. Whenever it shall be necessary to cut or otherwise disconnect the wires of any telegraph company, or to remove them from the poles or fixtures to which they are attached, in order to move a building across the same, or for any purpose, any person desiring so to cut, disconnect or remove such wires, shall have the right to do so, exercising reasonable care therein: *provided*, that before doing so, he shall make a statement in writing, by him signed, of the time when, and the particular place where, by reference to the crossings of the streets or highways, he wishes to cut, disconnect or remove such wires as aforesaid, and leave the same at the office of such company, if any there is, in the town where such place is situated, twenty-four hours before the time so stated; and if such company has no office in the same town, then he shall send such statement by mail to the office of such company nearest to the place named therein, by putting it into the post-office, properly directed and prepaid, three days before the time stated therein.

SECTION 2. Whoever shall wilfully cut, disconnect, remove or otherwise interrupt the use of any telegraph wires, without first giving notice as provided in the first section of this act, shall be punished as provided in section fifteen of the sixty-fourth chapter of the General Statutes.

Penalty for cutting wires without giving notice.

SECTION 3. This act shall not apply to any wires attached to telegraph poles which have not been erected in compliance with the provisions of section three, chapter sixty-four of the General Statutes.

To apply only to wires erected under G. S. 64, § 3.

Approved April 3, 1869.

AN ACT CONCERNING THE TOLL-BRIDGES OVER BASS RIVER IN THE COUNTY OF BARNSTABLE.

Chap. 142

Be it enacted, &c., as follows :

SECTION 1. The bridges, draw, abutments and ways belonging to the proprietors of Bass River Lower Bridge, and to the proprietors of Bass River Upper Bridge, lying and being in the towns of Yarmouth and Dennis, in the county of Barnstable, are hereby laid out as and shall become public highways upon the acceptance of the award of the commissioners hereinafter named in the supreme judicial court, and judgment thereon.

Bridges in Yarmouth and Dennis laid out as public highways by award of commissioners.

SECTION 2. Upon the same becoming highways as aforesaid, so much of said bridges, draw, abutments and ways as lies within the towns of Yarmouth and Dennis respectively, shall be maintained by said towns respectively; and said towns shall collect and receive such sum, if any, as shall have been determined by said commissioners, to be paid by the county of Barnstable, or by any town in said county, towards the expense of maintaining the same.

After becoming highways, to be supported by Yarmouth and Dennis.

SECTION 3. The supreme judicial court, or any justice thereof, upon application of either of the corporations now owning said bridges, or of any ten legal voters of the county of Barnstable, shall appoint a board of three commissioners, who shall be sworn to the faithful discharge of their duties under this act, and who shall proceed, after due notice to all parties interested, and full hearing, to determine and award the amounts to be paid to said proprietors of Bass River Lower Bridge, and to said proprietors of Bass River Upper Bridge, as damages for the laying out of said bridges, draw, abutments and ways, and shall determine what proportion of said amounts shall be paid by the county of Barnstable, and by the respective towns in said county, according as they shall be benefited by the provisions of the first section of this act. Said commissioners shall also determine and decree what towns in said county of Barnstable, if any, are particularly benefited by the provisions of said first section, and in what

S. J. C. to appoint commissioners, who shall determine damage to be paid to proprietors of bridges.

Commissioners shall determine amounts to be paid by the county and

towns for damages and for maintenance of bridges.

Award to be binding when accepted by court.

Proviso.

Compensation of commissioners.

Damages for defect in highway.

proportions and manner said towns, or the county of Barnstable, shall contribute to defray the expenses of the maintenance and repairs of said bridges, draw, abutments and ways, and all other expenses incurred under the provisions of this act not otherwise provided for herein. The determination, award and report of said commissioners, or the major part of them, shall be made to the supreme judicial court, and also to each of said bridge companies, to the county of Barnstable, and to such towns as the said commissioners shall determine are benefited thereby, and upon being accepted by said court shall be final and binding upon all the parties interested therein: *provided, however* that the said corporations owning said bridges, draw, abutments and ways shall have the right to have their damages assessed by a jury in the same manner as is provided by law in the laying out of highways, except that the right shall be claimed in the supreme judicial court, and the recognizance for costs shall be taken in said court, and the warrant for the jury shall issue from said court, and the report and verdict shall be returned therein. And said right of appeal to a jury shall be claimed within thirty days from the return of said award and report of said commissioners; and all matters and things provided in this act to be done by or in the supreme judicial court, except the final decree in the premises, may be done by any justice of said court or his order, as well in vacation as in term time. The compensation and expenses of said commissioners shall be paid in such manner as the commissioners shall determine, subject to the approval of the supreme judicial court or some justice thereof.

SECTION 4. The towns of Yarmouth and Dennis shall respectively be liable for damages arising from defects in so much of said bridges, draw, abutments and ways, and the approaches thereto, as lie within each of said towns, in like manner as in case of defects in highways. And the damages and costs which may be recovered or paid on account of such defects, shall be borne by such towns, or by the county of Barnstable, in the same manner and in the same proportions as they shall severally be required to contribute for the repairs and maintenance thereof. And the same, and the contribution provided for in section two of this act, may be collected in an action of contract as for money paid and expended.

Approved April 3, 1869.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-FIVE, OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-THREE, RELATING TO THE HARBOR OF GLOUCESTER. *Chap. 143*

Be it enacted, &c., as follows :

Chapter three hundred and sixty-five of the acts of the year eighteen hundred and fifty-three, entitled "An Act relating to the Harbor of Gloucester," is hereby amended by striking out the words "months of August, September, October and November of each and every" in the second section, the words "during the months of August, September, October and November" in the third section, and the whole of the fourth section of said chapter, so that the provisions of said chapter shall apply to the entire year.

Amendment to chapter 366 of 1863.

Approved April 3, 1869.

AN ACT TO AUTHORIZE THE TOWN OF WEST BRIDGEWATER TO APPROPRIATE MONEY FOR PUBLIC LECTURES. *Chap. 144*

Be it enacted, &c., as follows :

SECTION 1. The town of West Bridgewater may, at a legal meeting, annually grant and vote money to an amount not exceeding one hundred and fifty dollars, for the purpose of maintaining public scientific lectures in said town.

May grant money annually for public lectures.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE SEAMEN'S WIDOW AND ORPHAN ASSOCIATION OF SALEM. *Chap. 145*

Be it enacted, &c., as follows :

SECTION 1. The Seamen's Widow and Orphan Association, in the city of Salem, is hereby authorized to hold real and personal property, in addition to what is now authorized by law, to an amount not exceeding twenty thousand dollars, for the purposes specified in their act of incorporation.

\$20,000 additional real and personal property.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1869.

AN ACT TO AUTHORIZE THE MERCANTILE LIBRARY ASSOCIATION OF BOSTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 146*

Be it enacted, &c., as follows :

SECTION 1. The Mercantile Library Association of Boston is hereby authorized to hold real and personal estate, for the purposes set forth in chapter one hundred and fifty-one of the acts of the year eighteen hundred and forty-five, to an amount not exceeding the sum of two hundred thousand dollars, and the legal title thereto shall be vested in five trustees, who shall be appointed and controlled as provided in section two of said chapter.

Additional real and personal property.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1869.

Chap. 129 **AN ACT TO INCORPORATE THE OCEAN TELEGRAPH COMPANY.***Be it enacted, &c., as follows :*

Corporators. **SECTION 1.** George M. Dexter, Joshua Lovett, William R. Robeson, junior, their associates and successors, are hereby made a corporation by the name of the Ocean Telegraph Company, and are hereby authorized to lay and maintain a telegraph cable in and over the waters, shores and lands of this Commonwealth, from some point or points on the shore of the county of Plymouth to the open sea, and to connect the same with any foreign telegraph cable, and are also authorized to construct, maintain and use a line of telegraph from such point on said shore to any point within the limits of the said Commonwealth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws that now are or may hereafter be in force relating to telegraph companies: *provided*, that said company shall establish and maintain within one mile of the shore landing of its cable, an office at which it shall receive and promptly transmit, at a uniform price, over its cable, in the order in which they are received, all messages delivered at said office by any telegraph company now or hereafter to be established.

Powers and duties.**Proviso.****Real and personal estate.****Capital stock.****Conditions of validity of act.**

SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purpose aforesaid; but the capital stock shall not exceed one hundred thousand dollars.

SECTION 3. If within two years from the passage of this act twenty-five thousand dollars shall not have been subscribed and paid in, in cash, on said capital stock, and five miles of telegraph constructed, or if the franchise, charter or any portion of the telegraph line of the said corporation shall be sold or offered for sale to any existing telegraph company, or to any person or association of persons before the conditions of this section shall have been complied with, then this act shall be void.

Rates of toll.**Proviso.**

SECTION 4. The legislature may, from time to time, alter or reduce the rates of toll charged by said corporation: *provided*, said tolls shall not, without the consent of said corporation, be so reduced as to produce a clear net profit of less than ten per cent. a year on the capital actually paid in.

SECTION 5. This act shall take effect upon its passage.

Approved March 30, 1869.

AN ACT TO INCORPORATE THE HIGHLAND CONGREGATIONAL SOCIETY *Chap. 130*
OF BOSTON.

Be it enacted, &c., as follows:

SECTION 1. Moses Day, Stephen N. Stockwell, Laban S. Beecher, their associates and successors, are hereby made a corporation as a religious society, by the name of the Highland Congregational Society; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws of this Commonwealth, which now are or may hereafter be in force, relating to such corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of one hundred thousand dollars, for parochial and religious purposes.

Real and personal estate.

SECTION 3. The Eliot City Mission Society, a corporation duly established and organized, is hereby authorized and empowered, upon such terms as said corporation may deem expedient, to transfer and convey any and all of their real and personal estate and property to the corporation hereby created; and all the acts and proceedings of the said Eliot City Mission Society, at a meeting thereof held on the first day of March, and also by adjournment, on the second day of March, eighteen hundred and sixty-nine, are hereby legalized and confirmed; and said last named society may, at any adjournment of said meeting, do and perform any and all acts which they could do and perform at any meeting legally called and held; and said society may, at any adjournment of said meeting, or at any other meeting thereof called by their president and secretary, by publishing notice of the time and place of the same, in two or more newspapers published in Boston, at least seven days before said meeting, or at any meeting called in pursuance of any by-law of said society hereafter to be made, or otherwise duly called, authorize and empower any person or persons to make the conveyance and transfer aforesaid, and do any other acts necessary or proper to be done for the purpose of vesting the title to said property in the corporation hereby created; and the corporation last named may, whenever they may deem it expedient, sell and convey said property, or any part thereof, and the proceeds of all such sales shall be applied to the purposes mentioned in section second of this act, but no purchaser shall be responsible for the application of the purchase money.

Eliot City Mission Society may sell property to this society.

Acts and proceedings confirmed.

May authorize conveyance and transfer of property.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1869.

inhabitants, and of every town of less than fifteen hundred inhabitants upon the written application of five or more citizens of such town therefor, shall appoint, annually, one or more suitable persons, not interested in the sale of crude petroleum, or in the sale or manufacture of petroleum, earth rock oil, or in any of their products, to be inspector or inspectors thereof in said city or town, and fix their compensation, to be paid by persons requiring their services under the provisions of this statute, and who before entering upon the duties of their office shall be duly sworn. Any inspector guilty of fraud, deceit, or culpable negligence in the performance of his duties, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail or house of correction not exceeding one month, or by both, in the discretion of the court.

Compensation.

Penalty on inspector for fraud or negligence.

Mixture of naphtha and illuminating oils regulated.

Penalty for violation.

Liability in case of explosion, &c.

Oil unlawfully sold to be forfeited.

Oils unsafe for illuminating purposes to be so branded.

Penalty for selling naphtha under assumed name.

Crude petroleum and its products, how to be stored, &c.

SECTION 2. No person shall mix for sale, naphtha and illuminating oils, or shall sell or offer for sale such mixture, or shall sell or offer for sale, except for purposes of re-manufacture, illuminating oils made from coal or petroleum, which will evaporate a gas under one hundred degrees Fahrenheit, or ignite at a temperature of less than one hundred and ten degrees Fahrenheit, to be ascertained by the application of Tagliabue's or some other approved instrument, and any person so doing shall for each offence be punished by fine or imprisonment, as provided in the first section hereof; and shall also be liable therefor, to any person suffering damage from the explosion or ignition of such oil thus unlawfully sold or kept, or offered for sale; and such oil thus unlawfully sold or kept, or offered for sale, and the casks or packages containing the same, shall be forfeited and sold, one-half of the proceeds of such sale to go to the Commonwealth and the other half to the informer.

SECTION 3. For all the purposes of this act, all illuminating oils made from coal or petroleum having an igniting point of less than one hundred and ten degrees Fahrenheit, to be determined in the manner provided in the second section of this act, shall be deemed to be mixed with naphtha, and shall be branded unsafe for illuminating purposes.

SECTION 4. Any person who shall sell, or keep, or offer for sale, naphtha under any assumed name, shall for each offence, upon conviction thereof, be liable to the same penalties provided, and shall be subject to the same liabilities set forth in the first two sections of this act.

SECTION 5. Crude petroleum, or any of its products, may be stored, kept, manufactured or refined in detached and properly ventilated buildings specially adapted to the pur-

pose, and surrounded by an embankment constructed so as to effectually prevent the overflow of said petroleum or any of its products beyond the premises on which the same may be kept, manufactured or refined: said buildings to be occupied in no part as a dwelling; and if less than fifty feet from any other building, must be separated therefrom by a stone or brick wall at least ten feet high and twelve inches thick; and any person keeping such articles in any other kind of building, except as is hereinafter provided in the sixth section hereof, shall be punished by fine or imprisonment, in the manner provided in the first two sections hereof.

Penalty for violation.

SECTION 6. No person shall manufacture, refine, mix, store, or keep for sale, any oil or fluid composed wholly or in part of any of the products of petroleum, in any city or town, except as provided in the fifth section of this act, without a license first having been obtained from the mayor and aldermen of said city or the selectmen of said town, and in said license there shall be expressed the manner, and the portion of any locality or building in which said articles may be mixed, stored or kept; and whoever mixes, stores or keeps said articles in any one locality, except as aforesaid, without having first obtained a license as herein required, or having obtained such license, mixes, stores or keeps said articles in a different manner, or in any other portion of said locality or building than is expressed in said license, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered in any appropriate form of action, to be instituted in the name of the mayor of said city, or of the selectmen of said town; and the license granted in accordance with the provisions of this act shall continue to be in force from the time of granting the same until the first day of April next succeeding, unless sooner revoked; and said license shall be revokable at all times by the authorities granting the same.

Not to be manufactured, stored, &c., without license from municipal authorities.

License to express manner and locality in which such oils may be stored. Penalty for storing, &c., without license, &c.

License to expire annually on first of April, and revocable at all times.

SECTION 7. Upon complaint made to the justice of any municipal or police court, or to a justice of the peace, by the mayor or by an alderman of any city, or by a selectman of any town, or by an inspector appointed under the provisions of this act, or any engineer of a fire department, fireward, chief of police or city marshal, that he has probable cause to suspect, and does suspect, that any of the articles enumerated in this act are offered for sale, or are deposited and kept within the limits of said city or town, contrary to the provisions of this act, said justice or court may issue a warrant directed to any such inspector, engineer or fireward, or to any sheriff, deputy-sheriff, constable or police officer,

Search warrant may be issued upon complaint of selectmen, &c.

By whom to be served.

ordering him to enter any shop, warehouse, manufactory, or any other building specified in the warrant, to make diligent search for such article or articles suspected to be so offered for sale, deposited or kept, and to make return of his doings to said justice or court forthwith.

Oils not to remain in street, &c., more than 24 hours, nor in town more than 48 hours, without special permit, under penalty.

SECTION 8. None of the articles enumerated in this act shall be allowed to remain in any street, lane, alley or travelled way, or upon any wharf, or in any yard, or on the grounds of any railroad corporation in any city for a longer time than twenty-four hours, and in any town for a longer time than forty-eight hours, without a special permit from the mayor and aldermen of said city, or the selectmen of said town, or from some person by them duly authorized; and any and all persons so keeping such articles for a longer time, shall be punished by a fine of not more than fifty dollars for each and every such offence.

Cities and towns may make regulations and affix penalties.

SECTION 9. The city council of any city, and the inhabitants of any town, may adopt such ordinances, by-laws and regulations, not inconsistent with the provisions of this act, as they may deem reasonable in relation to the manufacture, mixing, storing, keeping or selling within the corporate limits of said city or town, any of the articles herein enumerated, and may affix penalties for breaches thereof not exceeding fifty dollars for each offence, reasonable notice of which shall be given to all concerned.

Repeal.

SECTION 10. Chapter two hundred and eighty-five of the acts of the year eighteen hundred and sixty-six, and chapter two hundred and eighty-six of the acts of the year eighteen hundred and sixty-seven, so far as they are inconsistent with the provisions of this act, are hereby repealed.

Oils kept for sale to be approved by an authorized inspector.

SECTION 11. No person shall sell, or keep for sale, or in storage, any crude or refined petroleum, naphtha, kerosene, earth-rock, machinery or illuminating oil, in any city or town, without having the same inspected and approved by an authorized inspector. And any person violating the provisions of this section shall be fined and imprisoned in the manner provided in the first section of this act in relation to inspectors.

Penalty.

When to take effect.

SECTION 12. The first and tenth sections of this act shall take effect upon its passage, and the remaining sections thereof sixty days after its passage.

Approved April 10, 1869.

AN ACT TO AMEND "AN ACT TO ENABLE THE CITY OF BOSTON TO ABATE A NUISANCE EXISTING THEREIN, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY."

Chap. 153

Be it enacted, &c., as follows :

SECTION 1. Section two of chapter three hundred and eight of the acts of the year eighteen hundred and sixty-seven is hereby amended, so that the time within which a bill in equity may be filed under the provisions of said section, is extended to the ninth day of November, in the year eighteen hundred and sixty-nine.

Chap. 308, § 2, 1867, amended.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1869.

AN ACT CONCERNING SIDEWALKS IN THE CITY OF SALEM.

Chap. 154

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of Salem are hereby authorized to construct sidewalks, and to complete any partially constructed sidewalk, with edge stones, in any street of said city, and to cover the same with brick, flat stones, concrete or other appropriate material ; and the expense of such edge stones and covering material shall be assessed upon the abutters in just proportions, and shall constitute a lien upon the abutting lots of land, and be collected in the same manner as taxes on real estate now are collected ; and such sidewalks, when constructed, shall thereafter be maintained at the expense of said city.

City may construct sidewalks and assess expense upon abutters ; afterwards to be maintained by city.

SECTION 2. This act shall take effect whenever the city council of said city shall, by a two-thirds vote of each branch thereof, accept the same.

When to take effect.

Approved April 10, 1869.

AN ACT TO AUTHORIZE THE PURCHASE OF THE PROPERTY OF THE EAST BOSTON FERRY COMPANY, AND TO REPEAL THE ACT TO INCORPORATE THE MAVERICK BRIDGE COMPANY, AND FOR OTHER PURPOSES.

Chap. 155

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Boston, for the purpose of improving private property, and of protecting the same and the travel and business between the mainland in said city and East Boston from the disabilities and burdens of the ferry communications heretofore existing between said parts of the city, and of furnishing additional facilities to said travel and business, are hereby authorized to purchase the boats and so much of the other property, including the franchise, of the East Boston Ferry Company as they shall think expedient, at such price as may be agreed upon between them and the said ferry company, with the approval of the mayor of said city, and to ordain and establish the

City of Boston may purchase franchise and property of East Boston Ferry Company.

May establish rates of ferriage.

present or such other lines of ferry travel as they may see fit between the said parts of said city, and to cause the said ferry to be maintained thereon in such manner and upon such rates of ferriage as the board of aldermen of said city shall from time to time judge the best interests of the said city to require, excepting only as hereinafter provided.

May maintain ferry free of tolls.

SECTION 2. Upon the completion of said purchase, the said city council shall consider and determine whether the interests of said city will be best promoted by maintaining said ferry thereafter free of tolls, and in case they shall decide the same in the affirmative, then the said city shall maintain and operate, or cause to be maintained and operated, the said ferry thereafter free of all tolls, and with facilities for travel not less than those now furnished by said company, or those which now are or hereafter may be by law required.

Aldermen to determine what portion of cost shall be borne by owners of real estate in East Boston.

And in such case the said board of aldermen shall adjudge and determine whether the territory of that part of the said city called East Boston and Breed's Island, or any and what part thereof will receive any benefit and advantage therefrom beyond that general advantage which will be received therefrom by other portions of said city, and what portion of the cost of such purchase shall be borne by the city, and what portion by the owners of real estate in said East Boston and Breed's Island, or the portion thereof so adjudged to be benefited, by reason of said benefit. A notice of such determination shall be published for two weeks successively in some one newspaper published in said city.

Parties aggrieved may apply for jury.

SECTION 3. Any person aggrieved by the determination of said board, either as to the benefit received or as to the division of the expense between the city and the owners of real estate as aforesaid, may at any time within two months after the first publication of the notice aforesaid, apply for a jury. Such application shall be made in like manner, and the proceedings thereon shall be the same as in the case of laying out and discontinuing highways in the said city:

Proceedings as in case of laying out highways.

Provided.

provided, that before making his application the party shall give one month's notice in writing to said board of aldermen of his intention so to apply, and shall therein particularly specify his objections to the determination of said board as to the benefit received, and the proposed division of expense, to which specification he shall be confined upon the hearing before the jury; and *provided, also*, that if the superior court within and for the county of Suffolk shall not be in session at any term thereof at the time of such application, the filing of his petition in the office of the clerk of said

court shall be deemed an application for the purposes of this act. If, upon the hearing, the objections to said determination are not sustained, the charges arising on such application shall be paid by the applicant or person recognizing therefor, otherwise they shall be paid by the city, and the board of aldermen may, if necessary, determine anew the benefit and division of expense aforesaid, or either of them, and may make such abatements as they may judge expedient.

Any person who neglects to make application for a jury as herein provided, shall be concluded in all respects under this act by said determination of said board of aldermen, and shall not be entitled by any process, either at law or in equity, to prevent the said assessment or to recover the amount of any assessment collected of him.

If jury is not applied for, determination of aldermen to be final.

SECTION 4. After two months from the final determination of said board of aldermen as to the division of the expense of such purchase and the territory benefited thereby as aforesaid, the said board of aldermen shall cause to be certified to the assessors of said city the portion of the cost of said purchase which is to be borne by the owners of real estate within said territory to be benefited, which shall be by said assessors equitably and ratably assessed upon the said owners of real estate in said district adjudged to be benefited, and shall constitute a lien upon said real estate, and shall be collected and enforced with like charges for costs and interest, and in the same manner and with the same powers in all respects as are provided by law for the collection of taxes on real estate: *provided*, that the said board may, if they shall judge the public interest to require it, apportion the said amount to be assessed as aforesaid into not exceeding five equal parts, which apportionment shall be also certified to the said assessors, who shall add one of said equal parts yearly to the annual tax of said estates adjudged to be benefited as aforesaid, but pursuant to the original assessment made as aforesaid.

Decision of aldermen to be certified to assessors, and assessments to be made upon estates benefited.

Proviso.

SECTION 5. If the said city council, upon the completion of said purchase, shall adjudge and determine that instead of maintaining said ferry free of all tolls, it is for the best interests of said city that the said ferry shall be thereafter operated with more boats and greater facilities for travel and business than are now furnished by said company, and at one cent ferriage for a foot-passenger, instead of two cents as heretofore charged, and with the other rates of ferriage thereon so reduced that the receipts of said ferry annually shall not exceed the cost of operating the same, instead of paying, as provided by the charter of said company, at least

City may operate ferry with more boats and at reduced rates of ferriage.

eight per cent. annual dividends, then and in such case the said city shall thereafter maintain and operate, or cause to be maintained and operated, the said ferry, with such greater accommodations and at such reduced rates of ferriage as aforesaid, or with such other and still greater accommodations and at such more reduced rates of ferriage as the said board of aldermen may from time to time judge expedient for the purposes mentioned in the first section of this act. And the said board of aldermen, having first adjudged and determined the territory, if any, that shall be thereby specially benefited as aforesaid, may also adjudge and apportion, not exceeding one-half part of the cost of such purchase, to be assessed upon the said estates adjudged to be benefited as aforesaid, in the same manner, and with the same powers and liabilities in all respects as are herein before provided respecting such assessment.

City may maintain ferry for ten years free of tolls, and subsequently apportion one-half of cost of purchase upon estates benefited.

SECTION 6. If the said city council, instead of adjudging to maintain said ferry free of all tolls, as provided in section two of this act, shall adjudge and determine that it is for the best interests of said city that the said ferry shall be maintained free of tolls for a term of not less than ten years next succeeding said purchase, and thereafter upon such rates of ferriage as may then be adjudged by said city, then and in such case the said city shall maintain and operate, or cause to be maintained and operated, the said ferry, for and during a term of not less than ten years next succeeding said purchase, free of all tolls, but in all other respects as provided by section five of this act, and may thereupon apportion, not exceeding one-half part of the cost of such purchase, upon the said estates benefited, with the same powers and under the same limitations as herein before provided respecting such assessment.

May collect tolls for all vehicles passing to or from places beyond limits of city.

SECTION 7. The said board of aldermen shall have power at all times, notwithstanding any of the provisions of this act, or anything done by said city in pursuance thereof, to levy and collect such rates of ferriage as they shall judge expedient, for and upon all teams and vehicles passing over said ferry to or from any place beyond the limits of said city.

Repeal.

SECTION 8. Chapter three hundred and fifty-two of the acts of eighteen hundred and sixty-eight, is hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Approved April 10, 1869.

AN ACT TO AUTHORIZE ANTHONY V. DECOSTA TO CONSTRUCT A CAUSEWAY IN FAIRHAVEN. *Chap. 156*

As it enacted, &c., as follows:

SECTION 1. License is hereby given to Anthony V. DeCosta to construct and maintain a solid causeway or embankment of earth and stone, for the purposes of a road between lands owned by himself in the town of Fairhaven, across tide-water, from a point on Sconticut Neck, known as Jacob's Neck, to Long Island: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May maintain solid causeway across tide-waters in Fairhaven.

Subject to approval of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1869.

AN ACT TO INCORPORATE THE PUBLIC LIBRARY ASSOCIATION OF EASTHAMPTON. *Chap. 157*

Be it enacted, &c., as follows:

SECTION 1. Samuel Williston, Edmund H. Sawyer and Lafayette Clapp, all of Easthampton, their associates and successors, are hereby made a corporation by the name of the Public Library Association of Easthampton, for the formation and maintenance of a public library in that town; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have authority to hold real and personal estate to the amount of fifty thousand dollars, to be used for the purposes aforesaid.

Real and personal estate.

SECTION 3. The management and control of the property of said corporation shall be vested in a board of directors, consisting of not less than five in number, to be elected by said corporation.

Board of directors.

The principal of Williston Seminary shall be a director, *ex officio*, and a majority of the remaining directors shall be citizens of Easthampton and members of said association; and said board of directors shall have power to adopt all necessary by-laws and regulations for the management of the same, subject to the approval of the corporation.

May adopt by-laws and regulations.

Town may appropriate money annually for support of free library.

SECTION 4. So long as said corporation shall allow the inhabitants of the town of Easthampton free access to its library at reasonable hours, for the purpose of using the same on the premises, said town may appropriate and pay annually, towards defraying the expenses of maintaining said library, a sum not exceeding one dollar for each of its ratable polls, in the year next preceding that in which said appropriation is made.

SECTION 5. This act shall take effect upon its passage.

Approved April 10, 1869.

Chap. 158

AN ACT TO INCORPORATE THE BATTERY WHARF COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John Revere, Frederic W. Lincoln, James Murray Howe, their associates and successors, are hereby made a corporation by the name of the Battery Wharf Company, with power to purchase and hold in fee simple, the premises and estate known as Battery Wharf, in Boston, in the county of Suffolk, and the whole or parts of the land or flats situated and lying between the land of the Constitution Wharf Company, on the north side, Commercial Street on the west side, and the line of the street or way now leading to the People's Ferry, and the continuation of said line to the commissioners' line on the south side, with all the privileges and appurtenances to the same belonging. And the said company may construct docks and wharves upon said premises, lay vessels within and at the sides and ends thereof, and receive dockage and wharfage therefor, and improve and manage said property in such manner as to it shall seem expedient; and may sell and convey the same, or any part thereof: *provided*, that nothing herein contained shall authorize the said company to infringe upon the legal rights of any person, or to build any wharf or other structure not now authorized by law, on the premises.

Name and purpose.

May construct wharves and docks, &c.

Proviso.

Capital stock and shares.

SECTION 2. The capital stock of said company shall consist of one thousand shares, of five hundred dollars each; and no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

May unite with Constitution Wharf Company.

SECTION 3. Said company shall have power at any time hereafter, with the consent of the Constitution Wharf Company, to unite with the same, and to form therewith one incorporated company, possessed of all the rights, powers and property of which the two corporations may be possessed at the time of the union, upon such terms, and under whichever of the aforesaid names the corporations may adopt.

SECTION 4. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

Approved April 10, 1869.

AN ACT TO INCORPORATE THE LENOX HOTEL COMPANY, IN THE TOWN OF LENOX. *Chap. 159*

Be it enacted, &c., as follows:

SECTION 1. Henry W. Bishop, George J. Tucker, Samuel Washburn, their associates and successors, are hereby made a corporation by the name of the Lenox Hotel Company, for the purpose of erecting a hotel, to be located in the town of Lenox, county of Berkshire, and of maintaining such hotel, with all the buildings and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which are now or may hereafter be in force and applicable to such corporations: *provided, however*, that said corporation shall not carry on the business of keeping a hotel or boarding-house.

Corporators.

Name and purpose.

Provide.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not incur any liability until the sum of twenty-five thousand dollars has been paid in in cash.

Capital stock and shares.

Not to incur liability until \$25,000 has been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1869.

AN ACT TO AUTHORIZE THE UNION INSTITUTION FOR SAVINGS TO HOLD REAL ESTATE. *Chap. 160*

Be it enacted, &c., as follows:

SECTION 1. The Union Institution for Savings, in the city of Boston, is hereby authorized to hold real estate to the amount of two hundred thousand dollars, the same to consist of a site, and a suitable building thereon, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interest of said corporation.

May invest \$200,000 in a banking house.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1869.

AN ACT CONCERNING THE CAMBRIDGE AND BROOKLINE BRIDGE. *Chap. 161*

Be it enacted, &c., as follows:

SECTION 1. The structure known as the Cambridge and Brookline Bridge, authorized by chapter two hundred and thirty-one of the acts of the year eighteen hundred and fifty,

To be laid out as a highway upon acceptance of report of commissioners.

is hereby laid out as, and shall become a public highway upon the acceptance of the report of the commissioners appointed by the supreme judicial court, as provided in this act, and judgment thereon; and no tolls shall be demanded or received for passing thereon on and after that date.

S. J. C. to appoint three commissioners.

Damages to be assessed.

Damages to be paid to and by such parties as commissioners decide.

Expense of maintenance to be apportioned among counties, cities and towns.

Commissioners to report to S. J. C.

SECTION 2. The supreme judicial court in term time, or any justice thereof in vacation, shall, upon the application of any person interested, and in either of the counties of Suffolk, Norfolk or Middlesex, and after notice to the town of Brookline, to the city of Cambridge and to said counties, appoint a board of three commissioners. It shall be the duty of said commissioners, after having been sworn to the faithful and impartial performance thereof, and after such reasonable notice as they shall prescribe, and fully hearing the parties, to assess the amount to be paid as damages to any person or corporation, if any, by reason of the laying out of said highway.

SECTION 3. The damages adjudged to such persons or corporations in pursuance of this act, and the expense of executing this act, shall be paid to the parties entitled thereto, by the said counties, or by such of them, or by such cities or towns therein, as the said commissioners shall determine, taking into view the uses made of said bridge and the condition thereof.

SECTION 4. The said commissioners are hereby further empowered to make such orders, directions and provisions as to them shall seem expedient for the future maintenance and rebuilding of said bridge, and for operating the draw therein, and to order that the expense thereof shall be paid and borne by said counties, cities or towns, any or all of them, as to the said commissioners shall seem expedient and just, taking into view the uses made of said bridge and the condition thereof.

SECTION 5. The said commissioners shall make report in writing to the supreme judicial court within and for the county in which their appointment is made, of their doings and adjudications hereunder, and upon the same being accepted by said court, shall be final and binding upon all parties. Upon the acceptance of their report, they shall file copies thereof with the clerks of the county commissioners for the said counties, including the city clerk of the city of Boston, whose duty it shall be to record the same as a final adjudication under this act, and thereupon the same shall stand, be acted upon and carried into effect in like manner as an adjudication of the respective county commissioners:

provided, however, that as regards the amount of damages awarded to any person or corporation, he or they shall have a right of appeal to a jury in the same manner as is provided by law in the laying out of highways, except that the right shall be claimed in the supreme judicial court, and the recognizance for costs shall be taken in said court, and the warrant for the jury shall issue from said court, and the report and the verdict shall be returned therein; and said right of appeal to a jury shall be claimed within thirty days from the return of said award and report of said commissioners; and all matters and things provided in this act to be done by or in the supreme judicial court, may be done by any justice of said court or his order, as well in vacation as in term time. The damages and costs upon such appeal, and also the expense of executing this act, (to be taxed by said commissioners, subject to the approval of said court,) shall be paid by the same counties, cities and towns, and in the same proportion as was prescribed by the commissioners in pursuance of section three of this act.

Right of appeal to a jury upon question of damages.

Damages and costs upon appeal, how paid.

SECTION 6. This act shall take effect upon its passage.

Approved April 13, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PENTUCKET NAVIGATION COMPANY.

Chap. 162

Be it enacted, &c., as follows:

SECTION 1. The time mentioned in section eight of chapter one hundred and fifteen of the acts of the year eighteen hundred and sixty-seven, is hereby extended to three years from the passage of this act.

Time extended for improvement of navigation.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1869.

AN ACT CONCERNING THE AMHERST BRANCH RAILROAD COMPANY.

Chap. 163

Be it enacted, &c., as follows:

SECTION 1. The time for the location and construction of the road of the Amherst Branch Railroad Company, is hereby extended to the first day of June, in the year eighteen hundred and seventy-two.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1869.

AN ACT TO CHANGE THE NAME OF THE SALEM AND SOUTH DANVERS RAILROAD COMPANY, AND TO ENLARGE THE TIME FOR EXTENDING ITS TRACK.

Chap. 164

Be it enacted, &c., as follows:

SECTION 1. The name of the Salem and South Danvers Railroad Company is hereby changed to the Salem Street Railway.

Name changed to Salem Street Railway.

Time extended
for laying
tracks.

SECTION 2. The provisions of chapter six of the acts of the year eighteen hundred and sixty-seven, enlarging the time for extending and further laying the tracks of said company, are hereby continued to the first day of May, in the year eighteen hundred and seventy-one.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1869.

Chap. 165

AN ACT AUTHORIZING THE METROPOLITAN RAILROAD COMPANY TO EXTEND ITS RAILROAD TO BROOKLINE OVER THE BACK BAY LANDS.

Be it enacted, &c., as follows :

May lay tracks
over Common-
wealth lands in
Boston, subject
to control of
governor and
council and
commissioners
of public lands.

SECTION 1. The Metropolitan Railroad Company is hereby authorized to lay and maintain railroad tracks in any street belonging to the Commonwealth in the city of Boston, upon such terms and conditions as may be determined by the commissioners of public lands, with the assent of the governor and council, and the board of aldermen of the city of Boston; and also in any private street or ways now or hereafter to be laid out on the routes convenient for the extension hereby granted, with the consent of the board of aldermen of the city of Boston and the owners of said private streets or ways; and in any streets or ways in the town of Brookline in which locations may from time to time be granted to it by the selectmen of said town: *provided*, that nothing herein contained shall authorize the laying of said railroad tracks across the tracks of the Boston and Albany Railroad at a level therewith.

In Brookline.

Not to lay
tracks across
Boston and
Albany Rail-
road at grade.

Contract con-
firmed between
Metropolitan
road and
Brookline and
Back Bay Rail-
way Co.

SECTION 2. The contract made between the Metropolitan Railroad Company and the Brookline and Back Bay Street Railway Company, dated September fifteenth, eighteen hundred and sixty-eight, is hereby confirmed; and all conveyances of the franchises and rights of said Brookline and Back Bay Street Railway Company to said Metropolitan Railroad Company are hereby confirmed; and said Metropolitan Railroad Company shall have all the rights and privileges, and be subject to all the duties and liabilities in regard thereto which would have existed if such franchises and rights had been originally granted to it.

Tracks to be
laid within
three years.

SECTION 3. The authority granted by the first section of this act shall be void as to any street or way therein named in which said railroad tracks are not laid within three years from the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1869.

AN ACT CONCERNING THE ROXBURY LATIN SCHOOL, IN THE CITY OF BOSTON. *Chap. 166*

Be it enacted, &c., as follows:

SECTION 1. The city of Boston is hereby authorized and empowered to appropriate from time to time, such sums of money for the maintenance of the Roxbury Latin School, not exceeding the sum of three thousand dollars in any single year: *provided*, that the trustees of this school shall annually report to the board of school committee of Boston, on or before the second Tuesday of September, the standing and condition of the school, and such statistics as are required of the Boston Latin School in section twenty, chapter four, of the rules of the board.

Boston may appropriate money for support of Roxbury Latin School.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1869.

AN ACT CONCERNING THE REGISTRATION OF DEEDS.

Chap. 167

Be it enacted, &c., as follows:

SECTION 1. Unacknowledged conveyances of lands or of any estate or interest therein from the United States, may be recorded in the registries of deeds with the same effect as if acknowledged.

Unacknowledged deed of lands from U. S. may be recorded.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1869.

AN ACT CONCERNING THE DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND. *Chap. 168*

Be it enacted, &c., as follows:

SECTION 1. In the distribution of the moiety of the income of the school fund, for the support of the public schools of the state, every city and town complying with all laws in force relating to the distribution of the same, shall annually receive one hundred dollars; and the residue of said moiety shall annually be apportioned among the several cities and towns, in proportion to the number of children in each between the ages of five and fifteen years.

\$100 of school fund to be given to every place complying with laws relating to its distribution.

Residue, how apportioned.

SECTION 2. The first section of chapter two hundred and eight of the acts of the year one thousand eight hundred and sixty-six, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 16, 1869.

AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING STREETS AND WAYS IN CITIES AND TOWNS. *Chap. 169*

Be it enacted, &c., as follows:

SECTION 1. The provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, and of chapter two hundred and seventy-six of the

Provisions of 1866, 174, and 1868, 276, extended to all towns in the State.

Provisos.

acts of the year eighteen hundred and sixty-eight, are hereby extended and made applicable to any and all the towns of the Commonwealth: *provided*, that the powers vested by said acts in the board of aldermen of the city of Boston shall be vested in and exercised by the selectmen within their respective towns, and no assessments shall be made under the provisions of said acts until the work of laying out, altering, widening and improving any street or way shall be completed; and *also provided*, that the assessments authorized in said acts may be made when highways or town ways are laid out, altered, widened or improved within any town by or under the order of the county commissioners; and in any such case due allowance shall be made for any benefit set off under the provisions of section sixteen of chapter forty-three of the General Statutes.

Parties aggrieved to have the same rights and remedies as in laying out highways.

Laying out, &c., streets commenced before acceptance of act, and laws relating to laying out by selectmen, &c., not affected.

Preceding sections to take effect when accepted by towns.

Provisions extended to all cities in the State.

Proviso.

SECTION 2. All parties aggrieved by the action of the selectmen under this act shall have the rights and remedies provided in the laying out of town ways.

SECTION 3. This act shall not apply to the laying out, altering, widening or improving streets and ways within any town, commenced before the acceptance of this act by the town as herein provided, and shall not be construed as repealing any existing laws relating to the laying out, altering, widening, discontinuance or improvement of ways in any town by the selectmen or the county commissioners.

SECTION 4. The preceding sections shall take effect in any town whenever the same is accepted by a vote of a majority of the legal voters of such town present and voting at a town meeting duly held for the purpose.

SECTION 5. The provisions of chapter two hundred and seventy-six of the acts of the year eighteen hundred and sixty-eight, are hereby extended and made applicable to any and all the cities of the Commonwealth, in which chapter seventy-five of the acts of the year eighteen hundred and sixty-eight have been or shall hereafter be accepted in the manner designated in section two of said last named act: *provided*, that in any city where the power to lay out and alter the streets in such city is vested in any other board or persons than the board of aldermen, such board or persons shall have the same power and authority as the board of aldermen in the city of Boston.

SECTION 6. Section five of this act shall take effect upon its passage.

Approved April 16, 1869.

AN ACT TO INCORPORATE THE PROVINCETOWN AND PLYMOUTH
STEAMBOAT COMPANY. *Chap. 170*

Be it enacted, &c., as follows :

SECTION 1. Isaiah Gifford, James Gifford, John D. Hilliard, Corporators.
Lauren Young, Henry Cook and Samuel H. Doten, their
associates and successors, are hereby made a corporation by
the name of The Provincetown and Plymouth Steamboat
Company, for the purpose of transporting passengers and
merchandise between Provincetown and Plymouth, and other
places in Barnstable Bay; with all the powers and privileges,
Name and pur-
pose.
and subject to all the duties, liabilities and restrictions set
forth in the general laws which now are or may hereafter be
in force relating to such corporations. Powers and du-
ties.

SECTION 2. Said company is hereby authorized and em-
powered to build, purchase, hold and convey, hire and employ,
one or more steam vessels, with such apparatus and appen-
dages as may be found necessary for steam navigation and
the transportation of passengers and merchandise, in any and
all the waters aforesaid. May build
steam vessels.

SECTION 3. The capital stock of said corporation shall
not exceed seventy-five thousand dollars, to be fixed by a
vote of the corporation, and shall be divided into shares of
the par value of one hundred dollars each; and said corpo-
ration shall have power to assess, from time to time, upon
said shares, such sums of money as may be deemed necessary
to accomplish the object of said corporation, not exceeding
the par value of such shares. Capital stock
and shares.

SECTION 4. This act shall take effect upon its passage.

Approved April 16, 1869.

AN ACT TO INCORPORATE THE LEICESTER SAVINGS BANK.

Chap. 171

Be it enacted, &c., as follows :

SECTION 1. Cheney Hatch, Josephus Woodcock, Lory S. Corporators.
Watson, their associates and successors, are hereby made a
corporation by the name of the Leicester Savings Bank, to
be located in the town of Leicester; with all the powers
Name and pur-
pose.
and privileges, and subject to all the duties, liabilities and
restrictions set forth in all general laws which now are or
may hereafter be in force in this Commonwealth, relating to
institutions for savings. Powers and du-
ties.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1869.

Chap. 172 AN ACT TO REGULATE THE OYSTER FISHERIES AND THE SEINING OF FISH IN COLE'S RIVER AND LEE'S RIVER IN SWANSEA.

Be it enacted, &c., as follows :

Oysters in Cole's and Lee's Rivers in Swansea.

SECTION 1. No person shall take any oysters from their beds in Cole's River or in Lee's River, within the limits of the town of Swansea, unless he is authorized to take the same in the manner provided by this act.

Penalty for unlawful taking.

SECTION 2. Whoever takes any oysters from their beds in Cole's River or in Lee's River, within the limits of the town of Swansea, in violation of the provisions of this act, shall pay a fine of not less than five dollars nor more than fifty dollars and costs of prosecution ; and five dollars, to be paid to the complainant, shall be taxed and allowed in addition to all other legal costs, in each case, when a fine is imposed under this act.

Householders may take two bushels a month.

SECTION 3. Any householder who is an inhabitant of the town of Swansea, may take or cause to be taken from said beds, for the use of himself and family, not exceeding two bushels of oysters during any one calendar month ; but the selectmen of the town may at all times give permits in writing to any inhabitant of Swansea to take oysters from said beds, in such places, in such quantities and for such uses as they shall express in their permit : *provided*, that such permit shall not interfere with rights and privileges that may have been granted or sold under the authority hereinafter given.

Selectmen may grant permits to inhabitants to take oysters in specified quantities.

Proviso.

SECTION 4. The town of Swansea, in its corporate capacity, shall have the exclusive right to and control of the residue of the oyster fisheries in Cole's River and in Lee's River, within its limits ; and the selectmen of the town, acting in its behalf, shall use all reasonable means to enforce the provisions of this act, and shall have the right, from time to time, to sell to any person, at public or private sale, for any term not exceeding five years, the privilege of taking oysters from their beds therein, at such times and places, and under such regulations as they may in writing permit and designate ; and all moneys arising therefrom shall be paid to the treasurer of said town for its use. But at any legal meeting called for the purpose, the town may, by vote, direct the limit and extent to which the selectmen shall thereafter exercise the powers herein conferred. A record of the doings of the selectmen, under the provisions of this act, shall be kept by the town clerk.

Swansea to have exclusive right to oyster fisheries.

May sell right to any person for term not exceeding five years.

Proceeds to be paid into town treasury.

Record to be kept.

Additional penalty for taking oysters unlawfully.

SECTION 5. In addition to the penalties herein prescribed, any person who takes oysters from their beds in violation of the provisions of this act, shall be held to pay the town of

Swansea treble the value of the quantity so taken, to be recovered in an action of tort.

SECTION 6. Any deputy sheriff of the county of Bristol, constable or selectman of Swansea, may, without warrant, arrest any person whom he finds in the act of taking oysters from their beds in violation of the provisions of this act, and detain him in some place of safe keeping until a warrant can be procured against said person upon a complaint for said offence: *provided*, that such detention without a warrant shall not exceed twenty-four hours.

Persons unlawfully taking oysters may be arrested without a warrant.

Providio.

SECTION 7. If a vessel, boat, craft or vehicle of any kind, whether on land or water, is found in the town of Swansea, with oysters on board thereof, taken from their beds in Cole's River or Lee's River, in violation of the provisions of this act, any inhabitant of the town of Swansea may seize such vessel, boat, craft or vehicle, and detain the same not exceeding forty-eight hours, in order that it may in that time be attached by due process of law, to satisfy all damages due to said town from the person or persons by whom such oysters were so taken. But if such vessel, boat, craft or vehicle shall not be attached, the person seizing and detaining the same may return it to the place where it was seized, as near as practicable, within said period of forty-eight hours; and the fact that oysters so taken in violation of this act, were on board thereof at the time of the seizure, shall in all cases be a sufficient justification for such seizure and detention: *provided*, that if before any action at law is instituted, the owner or person found in possession of such vessel, boat, craft or vehicle, pays such damages to the treasurer of the town of Swansea, the same, with the effects therein, shall be released by the person so seizing, upon being shown the receipt of the treasurer, or other reasonable evidence of such payment.

Vessels may be seized and detained.

Providio.

SECTION 8. Nothing contained in this act shall be construed to alter or change the provisions of the sixteenth, seventeenth and eighteenth sections of the eighty-third chapter of the General Statutes, relating to granting licenses to plant, grow and dig or take oysters; nor shall it be construed to alter or change the provisions of the fifteenth section of said chapter, relating to the right of native Indians to take shell-fish, as therein provided.

Provisions of General Statutes relating to licenses to planting, &c., oysters, not changed. Right of native Indians not affected.

SECTION 9. No person shall set, draw or use any seine, net or weir for taking fish, except menhaden, in Cole's River, within the limits of the town of Swansea, nor in Lee's River, within the limits of the towns of Swansea and Somerset. Whoever violates the provisions of this section shall pay a

Fish, except menhaden, not to be taken by net or weir.

Penalty.

fine of not less than fifteen dollars nor more than fifty dollars.

SECTION 10. This act shall take effect upon its passage.

Approved April 17, 1869.

Chap. 173 AN ACT TO INCORPORATE THE PILGRIM WHARF COMPANY, AND TO AUTHORIZE SAID CORPORATION TO BUILD A WHARF.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Henry Newton, Elias S. Beals, James Torrey, their associates and successors, are hereby made a corporation by the name of the Pilgrim Wharf Company, for the purpose of constructing and maintaining a wharf on the northerly side of Weymouth Great Hill, east of the northerly end of North Street, in the town of Weymouth, for the accommodation of trade and commerce; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities set forth in all general laws which now are or may hereafter be in force concerning such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of one hundred dollars each; and no shares in said capital stock shall be issued for a less sum or amount to be paid in on each than the par value of the shares first issued; and said corporation may hold real estate to the value of ten thousand dollars.

Real estate.

May construct wharf in Weymouth.

SECTION 3. License is hereby given to said corporation to construct and maintain a wharf in tide-water, which shall extend from its land on the northerly side of Weymouth Great Hill and east of the northerly termination of North Street in said Weymouth, not exceeding three hundred and twenty-five feet from high-water mark, towards the channel of Weymouth Fore River, and to be not more than sixty feet in width: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Subject to control of harbor commissioners.

Provisos.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1869.

AN ACT TO INCORPORATE THE ATHOL AND ENFIELD RAILROAD COMPANY. *Chap. 174*

Be it enacted, &c., as follows :

SECTION 1. John C. Hill, John G. Mudge, Daniel Stone, their associates and successors, are hereby made a corporation by the name of the Athol and Enfield Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to railroad corporations.

Corporators.

Name and purpose.
Powers and duties.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at such convenient point on the Vermont and Massachusetts Railroad, as it may select in the town of Athol, and passing through any or all of the towns of New Salem, Petersham, Dana, Prescott, Greenwich, Enfield, Ware, Belchertown and Palmer, to some convenient point on the New London Northern Railroad, in the town of Belchertown or Palmer.

May build road from Vermont and Mass. road at Athol to the New London Northern Railroad.

SECTION 3. Said corporation may, with the consent of the companies hereinafter mentioned, enter upon and unite its road with the roads of the Vermont and Massachusetts Railroad and New London Northern Railroad Companies, and use said railroads ; and either the Vermont and Massachusetts Railroad Company or New London Northern Railroad Company, respectively, may enter with its railroad upon, unite the same with and use the railroad of the Athol and Enfield Railroad Company, subject to the provisions of the general laws relating to said roads and railroad corporations.

May unite with Vermont and Massachusetts and New London Northern Railroads.

SECTION 4. The capital stock of said corporation shall be fixed by the directors thereof, at an amount of not less than five hundred thousand dollars, and not more than seven hundred thousand dollars ; and said stock shall be divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary or convenient for the purposes for which it is incorporated.

Capital stock and shares.

Real and personal estate.

SECTION 5. The towns of Athol, New Salem, Petersham, Dana, Prescott, Greenwich, Enfield, Belchertown and Palmer, are hereby authorized, when so voting at a legal town meeting duly called for the purpose in each respective town, to subscribe for and hold shares in the capital stock of the said Athol and Enfield Railroad Company to an amount not exceeding five per centum of the assessed valuation for the current year of each town so voting ; and the said towns so subscribing may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized

Certain towns may take stock when authorized by vote at legal town meetings.

May pay for stock out of treasury, or raise money by loan or tax.

to raise by loan upon bonds, or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Selectmen to represent towns at meetings of corporation.

SECTION 6. The selectmen of the said towns of Athol, New Salem, Petersham, Dana, Prescott, Greenwich, Enfield, Belchertown and Palmer, shall have authority to represent their respective towns at any and all meetings of the said Athol and Enfield Railroad Company; and the said towns so represented are hereby authorized to vote on the whole amount of the stock held by each town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Road may be leased.

SECTION 7. Said corporation is hereby authorized to lease its road to the New London Northern Railroad Company, or to the Vermont and Massachusetts Railroad Company, upon such terms and conditions as the directors of the contracting corporations may determine, subject to the approval of a majority of the stockholders of said corporations, respectively, present and voting, at legal meetings called for that purpose.

When to be located and constructed.

SECTION 8. This act shall be void unless the location of said railroad shall be made within three years, and the construction thereof be completed within five years, from the passage thereof.

SECTION 9. This act shall take effect upon its passage.

Approved April 17, 1869.

Chap. 175

AN ACT TO INCORPORATE THE AMESBURY RAILROAD COMPANY.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. William C. Binney, Thomas B. Patten, Thomas C. Sawyer, their associates and successors, are hereby made a corporation by the name of the Amesbury Railroad Company; with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions contained in the general laws which now are or hereafter may be in force relating to railroad corporations.

Name and purpose.
Powers and duties.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some convenient point in that part of Amesbury called the Mills Village, thence running in a south-westerly direction to some convenient point in West Amesbury, so called.

May build railroad from Amesbury Mills to West Amesbury.

SECTION 3. Said corporation may enter with its road upon, unite the same with and use the railroad of the Eastern Railroad Company in Salisbury Mills Village in Salisbury, and may enter with its road upon, unite the same with and use

the railroad of the West Amesbury Branch Railroad Company, and the said Eastern Railroad Company and the said West Amesbury Branch Railroad Company respectively, may enter with their several railroads upon, unite the same with and use the railroad of said Amesbury Railroad Company, under the provisions of law relating to connecting roads. And the Eastern Railroad Company, in order to make a connection of its road with the road of the Amesbury Railroad Company, is hereby authorized to change the location and grade of its railroad, so far as may be necessary for this purpose, and to build a bridge therefor over the Powow River.

Eastern road
may build
bridge over
Powow River.

SECTION 4. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each. Said corporation may hold such real and personal property as may be necessary or convenient for the purposes for which it is created.

Capital stock
and shares.

Real and personal
estate.

SECTION 5. The town of Amesbury is hereby authorized, by a vote of a majority of the voters present, at a legal town meeting, duly called for that purpose, to subscribe for and hold shares in the capital stock of the Amesbury Railroad Company, to an amount not exceeding two per centum of the assessed valuation of the said town; and said town may pay for such shares, so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds, or by tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Amesbury may
take stock in
road.

May pay for
shares out of
treasury, or
raise money by
loan or tax.

SECTION 6. The selectmen of said town of Amesbury shall have authority to represent said town of Amesbury in any and all meetings of the Amesbury Railroad Company, if the said town shall vote to take stock in said railroad, and said town so represented is hereby authorized to vote on the whole amount of the stock held by said town in said railroad, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen to
represent town
at meetings of
company.

SECTION 7. This act shall be void unless said corporation shall locate its railroad between a point in Amesbury Mills Village, so called, and a point in West Amesbury, within two years, and construct the same within three years from the passage hereof.

Location and
construction.

SECTION 8. This act shall take effect upon its passage.

Approved April 17, 1869.

Chap. 176 AN ACT TO INCORPORATE THE ADAMS AND CHESHIRE RESERVOIR COMPANY.*Be it enacted, &c., as follows :***Corporators.**

SECTION 1. Sanford Blackinton, William C. Plunkett, D. D. Wheeler, their associates and successors, are hereby made

Name and purpose.

a corporation by the name of the Adams and Cheshire

Powers and duties.

Reservoir Company, for the purpose of constructing and maintaining a reservoir or reservoirs of water in the south branch of the Hoosac River, in the towns of Cheshire and Lanesborough, for the supply of mills now or hereafter to be situated on said river ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid ; and its whole capital stock shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

*Approved April 17, 1869.***Chap. 177** AN ACT TO INCORPORATE THE SOMERVILLE UNION HALL COMPANY.*Be it enacted, &c., as follows :***Corporators.**

SECTION 1. Thomas Cunningham, Ebenezer C. Mann,

Name and purpose.

Charles S. Lincoln, their associates and successors, are hereby made a corporation by the name of the Somerville

Powers and duties.

Union Hall Company, for the purpose of building and maintaining a hall in Somerville, with power to hold real

estate to the amount of forty thousand dollars ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all laws which now are or hereafter may be in force and applicable to said corporation.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be forty thousand dollars, divided into shares of one hundred dollars each.

SECTION 3. This act shall take effect upon its passage.

*Approved April 17, 1869.***Chap. 178** AN ACT CONCERNING THE FIRST NATIONAL FIRE INSURANCE COMPANY OF WORCESTER.*Be it enacted, &c., as follows :***Capital stock fixed and increase allowed.**

SECTION 1. The capital stock of the First National Fire Insurance Company of Worcester is hereby fixed at one hundred thousand dollars, with liberty to increase the same to an amount not exceeding two hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN.

Chap. 179

As it enacted, &c., as follows :

SECTION 1. The authority conferred upon any cemetery corporation organized under the provisions of section two of chapter twenty-eight of the General Statutes to take and hold so much real and personal estate as may be necessary for the objects of its organization, is hereby vested in the Proprietors of the Cemetery of Mount Auburn.

Powers conferred upon Proprietors of Mount Auburn Cemetery.

SECTION 2. No member of said corporation shall in his individual right be entitled to more than one vote at the meetings of said corporation.

Each member entitled to one vote.

SECTION 3. The officers of said corporation shall consist of twelve trustees, a treasurer, secretary and such other officers as the trustees may direct. The twelve persons who now constitute the board of trustees shall be divided, by lot or otherwise, as they themselves may determine, into six classes of two each; and the persons of the first class shall go out of office on the day of the next annual meeting; and the persons of the second, third, fourth, fifth and sixth classes shall go out of office, respectively, on the day of each succeeding annual election in the years eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, and eighteen hundred and seventy-five; and the two trustees who shall be chosen at the annual meeting in the year eighteen hundred and seventy, and in each succeeding year, shall continue in office, respectively, for the term of six years. In case of the death or resignation of any trustee, the vacancy shall be filled by the proprietors at the next annual meeting succeeding such death or resignation. Nothing herein contained shall prevent any person whose term of office shall have expired from being re-eligible.

Officers and tenure of office.

SECTION 4. The secretary shall give notice of annual and special meetings of said corporation by sending by mail or otherwise, to each member of the corporation whose place of residence or business shall be known to him, a printed notice thereof, seven days before the time of such meeting, and by publication of such notice in one or more newspapers printed in Boston, seven days before the time of such meeting. At all meetings a quorum for business shall consist of not less than twenty-five members.

Vacancies, how filled.

Annual and special meetings, members to be notified thereof.

Quorum.

SECTION 5. Such parts of sections two, three, four and five of chapter ninety-six of the acts of the year eighteen hundred and thirty-five, or of any act in addition to, which may be inconsistent with the provisions of this act, are hereby repealed.

Repeal.

Approved April 17, 1869.

Chap. 180 AN ACT AUTHORIZING THE TOWN OF BRIDGEWATER TO RAISE MONEY TO PURCHASE A LOT OF LAND FOR THE ACCOMMODATION OF THE NORMAL SCHOOL.

Be it enacted, &c., as follows:

May raise money to purchase land for boarding-house for normal school.

SECTION 1. The town of Bridgewater is hereby authorized to raise by taxation and appropriate a sum of money not exceeding one thousand dollars, for the purpose of purchasing a lot of land to be conveyed to the board of education and used as a site for a boarding-house for the accommodation of the normal school in said town.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1869.

Chap. 181 AN ACT FOR THE PREVENTION OF A NUISANCE IN THE DOCKS INCLOSED BY THE BUILDING AND FILLING IN OF ATLANTIC AVENUE, IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Boston may fill docks inclosed by Atlantic Avenue with earth from Fort Hill.

SECTION 1. The city of Boston, to prevent the nuisance which will be created by the sewers discharging into the docks, and from stagnant water in said docks inclosed by the building of Atlantic Avenue, may fill up said docks with earth from Fort Hill, and shall have a lien on the land made by said filling, for the cost of doing the same, as hereinafter provided.

May extend sewers so as to discharge into deep water.

SECTION 2. The said city may extend the sewers now discharging into said docks, and such other sewers as in their judgment will be required, so as to discharge the same into deep water below Atlantic Avenue, or from the ends of the wharves, as they shall deem most convenient or conducive to public health, and assess the cost of doing the same in the manner now provided by law in relation to the building of sewers.

To record in Suffolk registry description and claim for filling docks.

SECTION 3. The said city shall file for record in the Suffolk registry, a description of the boundaries of the docks so filled, together with their claim for the cost of filling the same, and also the portions of such assessments for sewers as shall apply to lands filled as before named, and such amounts for filling and for constructing sewers so filled as aforesaid, shall constitute a lien on said lands, which may be enforced and collected in the same manner as is provided by law for the collection of taxes upon real estate; and when the different claimants to the lands so filled shall settle the boundaries of their several claims, the said city shall discharge their lien on the record in said registry on the land of any owner, on the said owner paying to the said city the proportion of said cost for filling and construction of sewers due on his land,

Cost of filling to be lien upon land, and may be collected like taxes

together with interest on the same from the date of said expenditure by said city.

SECTION 4. Nothing in this act shall be so construed as to prevent any owner from filling his own lot of land, provided he does it in season to prevent a nuisance, and the filling be done with suitable and wholesome earth, to be approved by said city.

Owner of land may fill it.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1869.

AN ACT TO INCORPORATE THE NEW ENGLAND TRUST COMPANY.

Chap. 182

Be it enacted, &c., as follows:

SECTION 1. Nathaniel Thayer, John C. Lee, Benjamin T. Reed, their associates and successors, are hereby made a

Corporators.

corporation by the name of "The New England Trust Company," to be located in the city of Boston, for the purpose of holding property in trust and for other purposes

Name and purpose.

hereinafter set forth; and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force in relation to such corporations.

Powers and duties.

SECTION 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and at least one hundred thousand dollars shall have been actually paid in and invested according to law, and no shares shall be issued, nor dividends made, until the par value of such shares shall have been actually paid in in cash.

Capital stock and shares.

No business to be done until whole stock is subscribed for and \$100,000 paid in.

SECTION 3. The said corporation shall have power to receive and hold moneys or property in trust or on deposit from courts of law or equity, including courts of probate and insolvency, executors, administrators, assignees, guardians, trustees, corporations or individuals, upon such terms or conditions as may be obtained or agreed upon.

May hold property in trust from courts, guardians, &c.

SECTION 4. Any court of law or of equity, including courts of probate and insolvency, of this state, may, by decree or otherwise, direct any moneys or property under its control, or that may be paid into court by the parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation upon such terms and subject to such instructions as may be deemed expedient

Courts may direct moneys or property under their control to be deposited with this corporation.

Proviso.

by said court: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent.

How capital and moneys entrusted may be invested.

SECTION 5. It shall be lawful for said corporation to invest its capital and all the moneys entrusted to it, or in any way received by it, in the authorized loans of the United States or of any of the New England states, or cities or towns of this Commonwealth, in the stock of national banks organized within this Commonwealth, in the first mortgage bonds of any railroad company which has earned and paid regular dividends for two years next preceding such investment, or in the bonds of any such railroad company as is unincumbered by mortgage, or in the stock of such railroad companies incorporated by this state; and the said corporation may make loans upon mortgages on real estate within this Commonwealth, or upon the notes of corporations created under the laws of this Commonwealth, and the notes of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution, shall be sold at public auction within two years of such foreclosure or levy.

Real estate to be sold at auction.

\$200,000 in real estate.

SECTION 6. Said corporation may hold real estate in the city of Boston, suitable for the transaction of its business, to an amount not exceeding two hundred thousand dollars.

To make return to commissioner of savings banks.

SECTION 7. The said corporation shall semi-annually make a return to the commissioner of savings banks of this Commonwealth, on or before the second Mondays of May or November, which shall be signed and sworn to by a majority of its board of directors, stating the full amount of its capital stock and of all moneys and property, in detail, in the possession or charge of said company as deposits, trust funds or for purposes of investment; and the commissioner of savings banks shall have the same access to the vaults, books and papers of this corporation, and it shall be his duty to inspect, examine and inquire into its affairs and to take proceedings in regard to them, in the same manner and to the same extent as if this corporation were a savings bank subject to all the general laws which now are or hereafter may be in force in relation to such institutions in this regard.

Commissioner to have same powers and duties as in case of savings banks.

Subject to provisions of 1866, 283.

SECTION 8. Said corporation shall be subject to the provisions of chapter two hundred and eighty three of the acts of the year eighteen hundred and sixty-five, and any acts now existing or that may hereafter be passed in amendment or lieu thereof; and the taxes upon all personal property entrusted to the charge of or deposited with said corporation shall be assessed to said corporation in the manner prescribed

Taxes, how to be assessed.

for personal property held in trust or belonging to persons under guardianship, in section twelve of chapter eleven of the General Statutes of this Commonwealth, or in any acts which may hereafter be passed in lieu or amendment thereof. Said corporation shall, annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all such personal property so held, with the names and residences of the beneficiaries, and the interest of each beneficiary therein, on the first day of May of that year, under the penalties and provisions for the enforcement thereof provided in section fourteen, chapter two hundred and eighty-three, acts of eighteen hundred and sixty-five, or the acts in addition thereto, for corporations failing to make the returns required by said act. Said commissioner shall, on or before the twentieth of June in each year, cause to be printed and sent to the assessor of each town and city in the Commonwealth, a statement exhibiting the name and residence of each beneficiary, and the value of the property so held.

SECTION 9. The said corporation is also authorized to act as agent for the purpose of issuing, registering or counter-signing the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, and to receive and make payments on account of the same on such terms as may be agreed upon.

May act as agent for issuing bonds, &c., for any corporation.

SECTION 10. This act shall take effect upon its passage, and shall continue in force fifty years, unless sooner modified or terminated by the legislature.

To continue in force fifty years.

Approved April 22, 1869.

AN ACT TO INCORPORATE THE ESSEX BRANCH RAILROAD COMPANY.
Be it enacted, &c., as follows :

Chap. 183

SECTION 1. Leonard McKenzie, John James, Abel Story, their associates and successors, are hereby made a corporation by the name of the Essex Branch Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.
Powers and duties.

SECTION 2. Said corporation may locate, construct and maintain a railroad, commencing at some convenient point in the town of Essex, and thence running through portions of the towns of Ipswich, Hamilton and Wenham, or either of them, to some convenient point on the Eastern Railroad, near the twenty-second mile post, or at such other point of

May build road from Essex to Eastern Railroad or Gloucester Branch.

connection as may be found most suitable ; or, commencing at such convenient point in said town of Essex, and thence running through portions of the towns of Hamilton, Wenham, Manchester and Beverly, or either of them, to some convenient point on the Gloucester Branch Railroad of the Eastern Railroad Company, with the right in either case to cross Mill Creek in the town of Essex.

May cross Mill Creek.

May unite with Eastern or Gloucester Branch Railroad.

SECTION 3. Said corporation may unite its road with the railroad of the Eastern Railroad Company or with the Gloucester Branch Railroad of said company, and may enter upon and use the tracks of said railroads upon the terms and subject to the provisions of the statutes of the Commonwealth relating to railroads and railroad corporations.

May sell franchise to Eastern Railroad Company.

SECTION 4. Said corporation is hereby authorized to sell and transfer its franchise and all its rights under this act, or to lease its road or other property, either for a limited time or perpetually, to the Eastern Railroad Company, on such terms as may be mutually agreed upon.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall not exceed two thousand shares, of one hundred dollars each, the number of which shall be determined from time to time by the directors ; and said corporation may purchase and hold such real and personal estate as may be necessary for the purposes of this act.

Real and personal estate.

Eastern road may take one-third of stock.

SECTION 6. The Eastern Railroad Company is hereby authorized to subscribe for and hold such portion of the capital stock in said corporation, not exceeding one-third of the whole amount thereof, as said company may choose.

Essex may take \$50,000 of stock.

SECTION 7. The town of Essex is hereby authorized to subscribe for and hold shares in the capital stock of said corporation to the amount of fifty thousand dollars, whenever a majority of the legal voters present and voting thereon at a lawful town meeting duly called for that purpose, shall vote so to do.

May pay out of treasury, or raise by taxation or loan.

SECTION 8. Said town of Essex may pay for such shares out of its treasury, and is hereby authorized to raise by loan or by taxation, any or all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Town to be represented at company meetings by selectmen and treasurer.

SECTION 9. The selectmen and treasurer of the town of Essex shall have authority to represent said town at any meeting of said Essex Branch Railroad Company ; and said town so represented, is hereby authorized to vote on the whole amount of stock held by said town of Essex, anything in the general laws to the contrary notwithstanding.

SECTION 10. This act shall be void unless said road is located within three years, and constructed within five years, from the passage of this act.

When to be located and constructed.

Approved April 22, 1869.

AN ACT TO AUTHORIZE ISAAC H. BOARDMAN AND OTHERS TO CONSTRUCT A MARINE RAILWAY IN SALISBURY.

Chap. 184

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Isaac H. Boardman and others, under the name of the Merrimac Marine Railway Company of Newburyport, to construct a marine railway on the shore of Rings Island in the town of Salisbury, opposite Newburyport, into the waters of the Merrimac River, not exceeding three hundred feet beyond low-water mark, and of such width as is required, not exceeding one hundred feet : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred forty-nine of the acts of the year eighteen hundred sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May construct marine railway in Salisbury.

Subject to control of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1869.

AN ACT CONCERNING THE DISTRIBUTION OF THE LIST OF THE OFFICERS AND SOLDIERS OF MASSACHUSETTS DURING THE LATE WAR.

Chap. 185

Be it enacted, &c., as follows :

SECTION 1. The secretary of the Commonwealth is directed to deliver to the adjutant-general the copies of the list of the officers and soldiers of Massachusetts during the late war which he is now required by law to furnish to masters in chancery, judges, clerks and registers of the judicial courts, district attorneys, county commissioners, sheriffs, keepers of jails, registers of deeds, keepers of houses of correction, county treasurers, judges of the supreme court of the United States, the secretary of state of the United States, and the secretaries of the several states ; and after retaining fifty copies in his document room, to supply future legitimate calls, and making the distribution required by law, shall deliver the remaining copies to the same officer.

List of officers and soldiers, distribution changed.

SECTION 2. The sergeant-at-arms is directed to deliver to the adjutant-general all such volumes remaining in his hands after complying with the requirements of law.

Sergeant-at-arms to deliver volumes to adjutant-general

Adjutant-general to deliver volumes to officers.

SECTION 3. The adjutant-general shall, upon application, dispose of the volumes delivered to him as follows: one set of said volumes to each of the general officers of volunteers from Massachusetts, and to the colonels of Massachusetts volunteers; the remainder to other officers of Massachusetts volunteers in the order of rank.

Repeal.

SECTION 4. All provisions of laws and resolves inconsistent with this act are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1869.

Chap. 186 AN ACT TO AUTHORIZE THE CITY OF SALEM TO LAY OUT STREETS OVER AND ACROSS THE TIDE-WATERS OF COLLINS COVE.

Be it enacted, &c., as follows:

May lay out streets across tide-waters of Collins Cove.

SECTION 1. The city council of the city of Salem are hereby authorized to lay out streets over and across the tide-waters of Collins Cove, so called, in said Salem: *provided*, that said streets shall not extend beyond a line drawn from the north-east corner of the old wharf on the Peirce and Wait lot, so called, south-east across the mouth of said cove.

Order of city council laying out streets confirmed.

SECTION 2. The order of the city council of said city, passed July thirtieth, in the year eighteen hundred and fifty-five, laying out Webb Street, from Essex Street to Bridge Street, and Collins Street from said Webb Street to Barton Street, and all subsequent acts of the city council, in relation to the laying out and locating of said streets, are hereby ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1869.

Chap. 187 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE OVER MALDEN RIVER OR MYSTIC RIVER.

Be it enacted, &c., as follows:

Commissioners may lay out highway and build bridges across Malden and Mystic Rivers.

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and empowered, if in their judgment the public necessity and convenience require it, to lay out a highway and construct a pile bridge and draw across Malden River, in the town of Malden, or across Mystic River, between the towns of Medford and Somerville, in said county, at such place as may be determined by them; said draw, if said bridge be constructed across Malden River, to be of the same width as the draw of the bridge now across Malden River; and said draw, if said bridge shall be constructed across Mystic River, to be of the same width as the draw of the Malden bridge now existing across Mystic River.

SECTION 2. Said commissioners, in laying out and constructing said road and bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways; and shall, after due public notice and hearing of all parties in interest, proceed to determine and award what cities and towns in said county receive particular and special benefit from the construction and maintenance of such road and bridge, and to apportion and assess upon said county and such cities and towns, and in such manner and amount as they shall deem equitable and just, the cost of construction and maintenance of such road, bridge and draw.

To proceed as in case of laying out highways.

To determine benefits and assess cost of construction, &c., upon county and towns.

SECTION 3. This license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

License may be revoked at any time, and expires in five years.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1869.

AN ACT RELATING TO SEWERS AND DRAINS IN THE TOWN OF FITCHBURG.

Chap. 188

Be it enacted, &c., as follows:

SECTION 1. The selectmen of the town of Fitchburg may, for the purposes of sewerage and drainage in said town, take "Punch Brook," the brook running from Pine Street to the Nashua River, and the brook and its branches running from Blossom and Pearl Streets to the Nashua River, with their tributaries, all in said Fitchburg, with all the rights and easements connected therewith, and devote the same, with the waters thereof, to the purposes aforesaid; and they may also take all necessary land, and alter the courses, widen, straighten and deepen the channels of said brooks, branches and tributaries, and may fix the boundaries thereof and remove all obstructions therefrom, and pave, enclose in retaining walls and cover the same.

Selectmen may take brooks in Fitchburg for drainage.

May take land and deepen channels of brooks.

SECTION 2. In taking said brooks, branches and tributaries and rights and easements connected therewith, and land, said selectmen shall proceed in the manner required by law in taking land for town ways; and persons suffering damage in their property shall have the same rights and remedies for the ascertainment and recovery of the amount of such damages provided by law for the ascertainment and recovery of damages for lands taken for town ways.

To proceed as in taking land for town ways.

Damages.

SECTION 3. Any person owning real estate, the sewerage or drainage of which is in any way connected with said brooks, branches or tributaries, or is benefited thereby, shall pay to said town such sum as the selectmen shall assess upon

Real estate owners to be assessed for benefits.

Assessments to be lien upon estates for two years.

Persons aggrieved may apply for a jury.

Act void unless accepted by town within one year.

him, as his proportionate share of the expenditure of said town for, or upon said brooks, branches, tributaries, rights and easements connected therewith and land so taken ; and the sum so assessed upon him shall constitute a lien upon said real estate for two years after it is assessed ; and if not paid within ninety days after notice of said assessment is served upon the owner of such real estate, or his agent, may be collected by a sale of said real estate in the manner provided by law for the sale of real estate for the non-payment of taxes. And any person aggrieved by the doings of said selectmen under this section, may, at any time within three months after receiving notice of any assessment, as aforesaid, apply for a jury, in the manner and with the same effect, as provided in section six, chapter forty-eight of the General Statutes.

SECTION 4. This act shall be void unless submitted to the voters of said town of Fitchburg, and approved by a majority of those voting at a town meeting legally held for that purpose, within one year after the passage of this act.

Approved April 22, 1869.

Chap: 189

AN ACT CONCERNING THE ADOPTION OF CHILDREN.

Be it enacted, &c., as follows :

A child above twenty-one years may be adopted without public notice.

SECTION 1. When a petition is made to adopt a child above the age of twenty-one years, the court may grant the same without any public notice, upon the consent of the child and of any surviving parent whose name and residence is known to such child.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1869.

Chap. 190

AN ACT CONCERNING THE RETURN OF FALSE AND FRAUDULENT LISTS OF PROPERTY TO ASSESSORS OF TAXES.

Be it enacted, &c., as follows :-

Penalty for making false return to assessors of taxes.

Whoever shall deliver or disclose to any assessor or assistant-assessor of taxes, elected or appointed in pursuance of the laws of this Commonwealth, any false or fraudulent list, return or schedule, of property, as and for a true list of his estates, real and personal, not exempted from taxation, with intent thereby to avoid the lawful assessment or payment of any tax, or with intent thereby to defeat or evade the provisions of law in relation to the assessment or payment of taxes, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding one year.

Approved April 24, 1869.

AN ACT CONCERNING LICENSES FOR THE SALE OF INTOXICATING LIQUORS. *Chap. 191*

Be it enacted, &c., as follows :

SECTION 1. No license authorizing the sale of intoxicating liquors within this Commonwealth, shall be issued by any person, or have force or validity, after the thirtieth day of April, in the year eighteen hundred and sixty-nine, anything in any existing law to the contrary notwithstanding.

License to sell intoxicating liquor to have no force after April 30, 1869.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1869.

AN ACT IN FURTHER ADDITION TO AN ACT TO ESTABLISH THE COUNTY SEAT OF THE COUNTY OF BERKSHIRE AT PITTSFIELD, AND FOR OTHER PURPOSES. *Chap. 192*

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to borrow, on the credit of said county, in addition to the sum heretofore authorized, a sum of money not exceeding two hundred and fifty thousand dollars, to be expended in building a court house and buildings for a jail and house of correction in the town of Pittsfield.

May borrow \$250,000 to build county buildings in Pittsfield.

SECTION 2. It shall not be lawful for said county commissioners to expend any portion of the money so borrowed except in manner following, to wit: The said commissioners shall, upon due notice given, let to the lowest competent bidder or bidders furnishing sufficient guarantees for the fulfilment of the same, in one or more contracts, all work and materials not already contracted for, necessary for the erection and completion of said buildings, with sufficient heating apparatus, gas and water-pipes, according to plans and specifications to be furnished by said commissioners, the aggregate contract price, including existing contracts and expenses already incurred, not to exceed the sum of three hundred and fifty thousand dollars; and it shall not be lawful for said commissioners, in any event or manner, to expend in the completion of said buildings as aforesaid, a sum of money exceeding in the aggregate the sum of three hundred and fifty thousand dollars, including the sum of one hundred thousand dollars heretofore authorized to be borrowed for that purpose.

Buildings to be built by contract and by lowest bidder.

Whole expense not to exceed \$350,000.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1869.

Chap. 193 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONVEY WATER TO DEER ISLAND.

Be it enacted, &c., as follows :

Boston may lay water-pipes across Shirley Gut to Deer Island.

May erect structures, subject to approval of harbor commissioners.

SECTION 1. The city of Boston is authorized to convey water from East Boston, so called, to Deer Island, in Boston harbor, by laying aqueducts or water-pipes through the town of Winthrop and across Shirley Gut ; and for that purpose shall have all the rights and privileges, and shall be subject to all the liabilities mentioned in chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six, and the several acts in addition thereto. And the said city of Boston may make any suitable structures for the purpose of conveying the said water, under the tide-waters in said Shirley Gut : *provided*, that such structures shall be approved by the harbor commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1869.

Chap. 194 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO WIDEN FEDERAL STREET BRIDGE.

Be it enacted, &c., as follows :

May widen Federal Street Bridge.

Subject to approval of harbor commissioners.

SECTION 1. The city of Boston is hereby authorized to widen Federal Street Bridge, in said city, to a width equal to the width of said Federal Street : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1869.

Chap. 195 AN ACT TO INCORPORATE THE BOSTON SUNDAY SCHOOL AND MISSIONARY SOCIETY OF THE METHODIST EPISCOPAL CHURCH.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. William R. Clark, Jacob Sleeper, Richard Beeching, Francis A. Perry, their associates and successors, are hereby made a corporation by the name of The Boston Sunday School and Missionary Society of the Methodist Episcopal Church, for the purpose of establishing Sunday schools and to promote missionary work in Boston and vicinity ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth applicable to such corporations.

SECTION 2. Said corporation may hold real and personal estate, to be used for the purposes aforesaid, to an amount not exceeding two hundred thousand dollars in value.

SECTION 3. The management of the affairs of said corporation shall be vested in a board of managers created in accordance with the provisions of its constitution. To be managed by board of managers.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1869.

AN ACT TO CHANGE THE NAME OF THE FOGERTY RIFLE COMPANY. *Chap. 196*
Be it enacted, &c., as follows :

The Fogerty Rifle Company shall take the name of the American Repeating Rifle Company. Name changed.

Approved April 24, 1869.

AN ACT TO INCORPORATE THE "SOCIETY OF ST. VINCENT DE-PAUL OF THE CITY OF BOSTON." *Chap. 197*

Be it enacted, &c., as follows :

SECTION 1. Nicholas J. Bean, John G. Blake, John W. McDonald, their associates and successors, are hereby made a corporation by the name of the "Society of St. Vincent De-Paul of the city of Boston," for charitable and benevolent purposes, and for the purpose of providing for the care and support of abandoned and orphan children of both sexes ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the General Statutes relating to such corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. The said corporation may receive, by purchase, grant, devise, bequest or otherwise, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same according to their discretion : *provided*, that the whole amount of the real and personal property held and possessed by the said corporation shall not exceed in value at any one time the sum of fifty thousand dollars. May hold real and personal estate not exceeding \$50,000.
Proviso.

SECTION 3. The board of state charities shall have power at all times to visit and inspect any institution established by this society. Board of state charities to visit institutions established by this society.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1869.

AN ACT TO INCORPORATE THE UNION SAVINGS BANK OF FALL RIVER. *Chap. 198*
Be it enacted, &c., as follows :

SECTION 1. Gardner T. Dean, Edwin Shaw, Lafayette Nichols, their associates and successors, are hereby made a corporation by the name of the Union Savings Bank, to be located in the city of Fall River ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may Corporators.
Name and purpose.
Powers and duties.

hereafter be in force in this Commonwealth relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1869.

Chap. 199 AN ACT TO AUTHORIZE LUKE RIDEOUT TO CONSTRUCT A RAILROAD FROM HIS QUARRY LAND TO "QUINCY ADAMS" STATION, IN QUINCY.

Be it enacted, &c., as follows :

May construct
railroad in
Quincy.

SECTION 1. Luke Rideout is hereby authorized to lay out, construct, maintain and use a railroad from his quarry land on Town Hill, in the town of Quincy, to the siding track of the Old Colony and Newport Railroad Company, at their station called "Quincy Adams," in Quincy : *provided*, that the consent of the owners of the land over which it shall pass, and the approval of the selectmen of Quincy, shall first be had in writing.

Proviso.

May unite with
Old Colony and
Newport Rail-
road.

SECTION 2. He may also unite his track with the track of the Old Colony and Newport Railroad Company at "Quincy Adams" station, by proper switches, and may use the same upon such terms as may be agreed upon between them.

Old Colony and
Newport Com-
pany may use
road.

SECTION 3. The Old Colony and Newport Railroad Company may use said railroad, with the freight equipment of the corporation, upon such terms as may be mutually agreed upon.

Railroad may
cross highways
at grade.

SECTION 4. Said railroad may be constructed and used across highways or town ways at grade.

SECTION 5. This act shall take effect upon its passage.

Approved April 24, 1869.

Chap. 200 AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, &c., as follows :

Assessment
of cities and
towns.

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:

Suffolk County.

Counties:
Suffolk.

Boston, nine hundred three thousand nine hundred and twenty-five dollars; Chelsea, twenty thousand one hundred and twenty-five dollars; North Chelsea, two thousand and one hundred dollars; Winthrop, one thousand one hundred and twenty-five dollars.

Essex County.

Essex.

Amesbury, four thousand eight hundred and fifty dollars; Andover, seven thousand one hundred and twenty-five dol-

ars; Beverly, nine thousand one hundred and seventy-five dollars; Boxford, one thousand six hundred and twenty-five dollars; Bradford, two thousand two hundred and seventy-five dollars; Danvers, six thousand and seventy-five dollars; Essex, two thousand and five hundred dollars; Georgetown, two thousand two hundred and twenty-five dollars; Gloucester, twelve thousand seven hundred and twenty-five dollars; Groveland, one thousand nine hundred and twenty-five dollars; Hamilton, one thousand two hundred and fifty dollars; Haverhill, twelve thousand eight hundred and twenty-five dollars; Ipswich, four thousand one hundred and seventy-five dollars; Lawrence, twenty-eight thousand five hundred and fifty dollars; Lynn, twenty-six thousand and fifty dollars; Lynnfield, one thousand five hundred and fifty dollars; Manchester, two thousand one hundred and twenty-five dollars; Marblehead, six thousand nine hundred and fifty dollars; Methuen, three thousand five hundred and fifty dollars; Middleton, one thousand and fifty dollars; Nahant, one thousand two hundred dollars; Newbury, two thousand dollars; Newburyport, nineteen thousand and five hundred dollars; North Andover, four thousand and seven hundred dollars; Peabody, nine thousand nine hundred and twenty-five dollars; Rockport, three thousand and seven hundred dollars; Rowley, one thousand four hundred and fifty dollars; Salem, thirty-nine thousand nine hundred and twenty-five dollars; Salisbury, four thousand five hundred and seventy-five dollars; Saugus, three thousand three hundred and twenty-five dollars; Swampscott, three thousand five hundred and fifty dollars; Topsfield, one thousand eight hundred and twenty-five dollars; Wenham, one thousand two hundred and fifty dollars; West Newbury, two thousand six hundred and twenty-five dollars.

Middlesex County.

Acton, two thousand and three hundred dollars; Arlington, six thousand nine hundred and twenty-five dollars; Ashby, one thousand four hundred and fifty dollars; Ashland, one thousand and nine hundred dollars; Bedford, one thousand and three hundred dollars; Belmont, seven thousand nine hundred and twenty-five dollars; Billerica, two thousand eight hundred and twenty-five dollars; Boxborough, six hundred and fifty dollars; Brighton, nine thousand two hundred and fifty dollars; Burlington, one thousand one hundred and seventy-five dollars; Cambridge, sixty-three thousand and twenty-five dollars; Carlisle, nine

Middlesex.

hundred and fifty dollars; Charlestown, forty-six thousand and two hundred dollars; Chelmsford, three thousand nine hundred and fifty dollars; Concord, four thousand one hundred and seventy-five dollars; Dracut, three thousand dollars; Dunstable, one thousand dollars; Framingham, seven thousand two hundred and fifty dollars; Groton, four thousand two hundred and fifty dollars; Holliston, four thousand two hundred and twenty-five dollars; Hopkinton, four thousand five hundred and seventy-five dollars; Lexington, four thousand four hundred and twenty-five dollars; Lincoln, one thousand five hundred and fifty dollars; Littleton, one thousand six hundred and fifty dollars; Lowell, fifty-one thousand eight hundred and fifty dollars; Malden, ten thousand six hundred and fifty dollars; Marlborough, seven thousand six hundred and fifty dollars; Medford, thirteen thousand two hundred and seventy-five dollars; Melrose, four thousand four hundred and seventy-five dollars; Natick, five thousand three hundred and seventy-five dollars; Newton, twenty-three thousand four hundred and twenty-five dollars; North Reading, one thousand and six hundred dollars; Pepperell, two thousand five hundred and twenty-five dollars; Reading, three thousand and five hundred dollars; Sherborn, two thousand and two hundred dollars; Shirley, one thousand eight hundred and twenty-five dollars; Somerville, fourteen thousand and four hundred dollars; Stoneham, three thousand nine hundred and twenty-five dollars; Stow, two thousand and one hundred dollars; Sudbury, two thousand seven hundred and fifty dollars; Tewksbury, one thousand nine hundred and fifty dollars; Townsend, two thousand two hundred and twenty-five dollars; Tyngsborough, nine hundred and twenty-five dollars; Wakefield, four thousand and seven hundred dollars; Waltham, thirteen thousand five hundred and seventy-five dollars; Watertown, six thousand nine hundred and seventy-five dollars; Wayland, one thousand seven hundred and fifty dollars; Westford, two thousand and five hundred dollars; Weston, two thousand seven hundred and twenty-five dollars; Wilmington, one thousand four hundred and seventy-five dollars; Winchester, three thousand six hundred and fifty dollars; Woburn, thirteen thousand one hundred and twenty-five dollars.

Worcester County.

Worcester.

Ashburnham, two thousand three hundred and fifty dollars; Athol, three thousand two hundred and seventy-five dollars; Auburn, one thousand three hundred and fifty

ollars; Barre, four thousand seven hundred and twenty-five dollars; Berlin, one thousand one hundred and seventy-five dollars; Blackstone, five thousand seven hundred and twenty-five dollars; Bolton, one thousand eight hundred and twenty-five dollars; Boylston, one thousand two hundred and fifty dollars; Brookfield, two thousand and eight hundred dollars; Charlton, two thousand five hundred and twenty-five dollars; Clinton, five thousand two hundred and fifty dollars; Dana, seven hundred and fifty dollars; Douglas, two thousand five hundred and twenty-five dollars; Dudley, one thousand nine hundred and fifty dollars; Fitchburg, eleven thousand four hundred and fifty dollars; Gardner, two thousand seven hundred and twenty-five dollars; Grafton, four thousand nine hundred and seventy-five dollars; Hardwick, two thousand eight hundred and seventy-five dollars; Harvard, two thousand four hundred and seventy-five dollars; Holden, two thousand three hundred and fifty dollars; Hubbardston, two thousand and twenty-five dollars; Lancaster, two thousand six hundred and twenty-five dollars; Leicester, four thousand two hundred and fifty dollars; Leominster, five thousand one hundred and seventy-five dollars; Lunenburg, one thousand nine hundred and twenty-five dollars; Mendon, one thousand and eight hundred dollars; Milford, ten thousand one hundred and fifty dollars; Millbury, three thousand nine hundred and seventy-five dollars; New Braintree, one thousand four hundred and twenty-five dollars; Northborough, two thousand three hundred and twenty-five dollars; Northbridge, three thousand one hundred and twenty-five dollars; North Brookfield, two thousand nine hundred and fifty dollars; Oakham, nine hundred and fifty dollars; Oxford, three thousand two hundred and twenty-five dollars; Paxton, eight hundred and fifty dollars; Petersham, one thousand eight hundred and seventy-five dollars; Phillipston, nine hundred dollars; Princeton, two thousand and fifty dollars; Royalston, one thousand nine hundred and fifty dollars; Rutland, one thousand four hundred and fifty dollars; Shrewsbury, two thousand and seven hundred dollars; Southborough, two thousand five hundred and seventy-five dollars; Southbridge, four thousand seven hundred and twenty-five dollars; Spencer, three thousand nine hundred and twenty-five dollars; Sterling, two thousand eight hundred and twenty-five dollars; Sturbridge, two thousand four hundred and fifty dollars; Sutton, three thousand and one hundred dollars; Templeton, two thousand and nine hundred dollars; Upton, two thousand one hundred and

seventy-five dollars; Uxbridge, four thousand and three hundred dollars; Warren, two thousand eight hundred and twenty-five dollars; Webster, three thousand one hundred and fifty dollars; Westborough, three thousand seven hundred and seventy-five dollars; West Boylston, two thousand four hundred and fifty dollars; West Brookfield, one thousand nine hundred and twenty-five dollars; Westminster, two thousand and twenty-five dollars; Winchendon, three thousand four hundred and seventy-five dollars; Worcester, fifty-one thousand and seventy-five dollars.

Hampshire County.

Hampshire.

Amherst, four thousand eight hundred and seventy-five dollars; Belchertown, three thousand one hundred and seventy-five dollars; Chesterfield, one thousand and seventy-five dollars; Cummington, one thousand and twenty-five dollars; Easthampton, four thousand two hundred and fifty dollars; Enfield, one thousand and six hundred dollars; Goshen, four hundred and fifty dollars; Granby, one thousand and three hundred dollars; Greenwich, seven hundred and fifty dollars; Hadley, three thousand and four hundred dollars; Hatfield, three thousand five hundred and fifty dollars; Huntington, one thousand and two hundred dollars; Middlefield, nine hundred and seventy-five dollars; Northampton, twelve thousand and three hundred dollars; Pelham, six hundred and twenty-five dollars; Plainfield, seven hundred and twenty-five dollars; Prescott, six hundred and fifty dollars; South Hadley, two thousand nine hundred and seventy-five dollars; Southampton, one thousand and four hundred dollars; Ware, three thousand and seven hundred dollars; Westhampton, seven hundred and seventy-five dollars; Williamsburg, two thousand nine hundred and twenty-five dollars; Worthington, one thousand one hundred and fifty dollars.

Hampden County.

Hampden.

Agawam, two thousand two hundred and fifty dollars; Blandford, one thousand and five hundred dollars; Brimfield, one thousand nine hundred and twenty-five dollars; Chester, one thousand three hundred and fifty dollars; Chicopee, eight thousand and nine hundred dollars; Granville, one thousand five hundred and twenty-five dollars; Holland, three hundred and seventy-five dollars; Holyoke, six thousand nine hundred and twenty-five dollars; Longmeadow, two thousand six hundred and twenty-five dollars; Ludlow, one thousand and three hundred dollars; Monson, three

housand five hundred and seventy-five dollars ; Montgomery, our hundred and fifty dollars ; Palmer, three thousand five hundred and seventy-five dollars ; Russell, six hundred and twenty-five dollars ; Southwick, one thousand six hundred and fifty dollars ; Springfield, thirty-five thousand six hundred and twenty-five dollars ; Tolland, eight hundred dollars ; Wales, seven hundred and twenty-five dollars ; Westfield, eight thousand and eight hundred dollars ; West Springfield, three thousand four hundred and fifty dollars ; Wilbraham, two thousand four hundred and fifty dollars.

Franklin County.

Ashfield, one thousand and seven hundred dollars ; Ber- Franklin.
 ardston, one thousand and three hundred dollars ; Buck-
 and, one thousand six hundred and seventy-five dollars ;
 Charlemont, one thousand and seventy-five dollars ; Colrain,
 one thousand and eight hundred dollars ; Conway, two thou-
 sand dollars ; Deerfield, three thousand four hundred and
 fifty dollars ; Erving, five hundred and twenty-five dollars ;
 Gill, one thousand and fifty dollars ; Greenfield, five thou-
 sand dollars ; Hawley, seven hundred and fifty dollars ;
 Heath, six hundred and seventy-five dollars ; Leverett, eight
 hundred and fifty dollars ; Leyden, seven hundred and fifty
 dollars ; Monroe, two hundred and fifty dollars ; Montague,
 one thousand seven hundred and fifty dollars ; New Salem,
 one thousand and fifty dollars ; Northfield, two thousand and
 twenty-five dollars ; Orange, one thousand nine hundred and
 twenty-five dollars ; Rowe, five hundred and twenty-five dol-
 lars ; Shelburne, two thousand two hundred and twenty-five
 dollars ; Shutesbury, six hundred and seventy-five dollars ;
 Sunderland, one thousand one hundred and fifty dollars ;
 Warwick, eight hundred dollars ; Wendell, six hundred dol-
 lars ; Whately, one thousand and eight hundred dollars.

Berkshire County.

Adams, nine thousand one hundred and fifty dollars ; Al- Berkshire.
 ford, eight hundred and seventy-five dollars ; Becket, one
 thousand four hundred and twenty-five dollars ; Cheshire,
 one thousand nine hundred and fifty dollars ; Clarksburg,
 four hundred dollars ; Dalton, two thousand and four hun-
 dred dollars ; Egremont, one thousand five hundred and
 twenty-five dollars ; Florida, seven hundred dollars ; Great
 Barrington, five thousand seven hundred and seventy-five
 dollars ; Hancock, one thousand two hundred and fifty dol-

lars ; Hinsdale, two thousand one hundred and fifty dollars ; Lanesborough, one thousand seven hundred and seventy-five dollars ; Lee, four thousand and six hundred dollars ; Lenox, two thousand two hundred and fifty dollars ; Monterey, eight hundred and fifty dollars ; Mount Washington, two hundred and fifty dollars ; New Ashford, two hundred and seventy-five dollars ; New Marlborough, one thousand seven hundred and seventy-five dollars ; Otis, one thousand dollars ; Peru, six hundred dollars ; Pittsfield, sixteen thousand and two hundred dollars ; Richmond, one thousand three hundred and seventy-five dollars ; Sandisfield, one thousand seven hundred and twenty-five dollars ; Savoy, eight hundred and fifty dollars ; Sheffield, three thousand two hundred and seventy-five dollars ; Stockbridge, three thousand three hundred and twenty-five dollars ; Tyringham, eight hundred and twenty-five dollars ; Washington, eight hundred and twenty-five dollars ; West Stockbridge, one thousand and eight hundred dollars ; Williamstown, three thousand one hundred and fifty dollars ; Windsor, eight hundred and seventy-five dollars.

Norfolk County.

Norfolk.

Bellingham, one thousand three hundred and fifty dollars ; Braintree, four thousand four hundred and seventy-five dollars ; Brookline, twenty-seven thousand one hundred and twenty-five dollars ; Canton, five thousand and seven hundred dollars ; Cohasset, three thousand one hundred and twenty-five dollars ; Dedham, twelve thousand and four hundred dollars ; Dorchester, twenty-nine thousand eight hundred and fifty dollars ; Dover, nine hundred and fifty dollars ; Foxborough, three thousand five hundred and fifty dollars ; Franklin, two thousand and nine hundred dollars ; Medfield, one thousand six hundred and fifty dollars ; Medway, three thousand five hundred and seventy-five dollars ; Milton, nine thousand and nine hundred dollars ; Needham, four thousand six hundred and fifty dollars ; Quincy, nine thousand nine hundred and twenty-five dollars ; Randolph, seven thousand and nine hundred dollars ; Sharon, one thousand nine hundred and seventy-five dollars ; Stoughton, five thousand and fifty dollars ; Walpole, three thousand and fifty dollars ; West Roxbury, twenty-four thousand four hundred and seventy-five dollars ; Weymouth, nine thousand eight hundred and seventy-five dollars ; Wrentham, three thousand eight hundred and fifty dollars.

Bristol County.

Acushnet, one thousand seven hundred and fifty dollars ; Bristol.
 Attleborough, six thousand three hundred and fifty dollars ;
 Berkley, nine hundred and twenty-five dollars ; Dartmouth,
 six thousand and two hundred dollars ; Dighton, two thou-
 sand two hundred and fifty dollars ; Easton, five thousand
 and one hundred dollars ; Fairhaven, four thousand and six
 hundred dollars ; Fall River, thirty-two thousand and three
 hundred dollars ; Freetown, one thousand nine hundred and
 twenty-five dollars ; Mansfield, two thousand two hundred
 and fifty dollars ; New Bedford, forty-nine thousand four
 hundred and twenty-five dollars ; Norton, two thousand
 three hundred and fifty dollars ; Raynham, two thousand
 eight hundred and seventy-five dollars ; Rehoboth, two thou-
 sand one hundred and fifty dollars ; Seekonk, one thousand
 three hundred and fifty dollars ; Somerset, two thousand
 four hundred and twenty-five dollars ; Swanzey, two thou-
 sand and fifty dollars ; Taunton, twenty-two thousand one
 hundred and twenty-five dollars ; Westport, three thousand
 nine hundred and seventy-five dollars.

Plymouth County.

Abington, nine thousand two hundred and seventy-five Plymouth.
 dollars ; Bridgewater, five thousand four hundred and fifty
 dollars ; Carver, one thousand three hundred and twenty-
 five dollars ; Duxbury, two thousand nine hundred and fifty
 dollars ; East Bridgewater, three thousand five hundred and
 fifty dollars ; Halifax, one thousand dollars ; Hanover, two
 thousand and seventy-five dollars ; Hanson, one thousand
 three hundred and fifty dollars ; Hingham, six thousand three
 hundred and twenty-five dollars ; Hull, four hundred dollars ;
 Kingston, three thousand three hundred and fifty dollars ;
 Lakeville, one thousand and six hundred dollars ; Marion,
 one thousand two hundred and seventy-five dollars ; Marsh-
 field, two thousand three hundred and fifty dollars ; Matta-
 poisett, one thousand six hundred and twenty-five dollars ;
 Middleborough, six thousand and one hundred dollars ;
 North Bridgewater, six thousand seven hundred and seventy-
 five dollars ; Pembroke, one thousand and seven hundred
 dollars ; Plymouth, eight thousand five hundred and twenty-
 five dollars ; Plympton, nine hundred dollars ; Rochester,
 one thousand five hundred and seventy-five dollars ; Scit-
 uate, two thousand five hundred and seventy-five dollars ;
 South Scituate, two thousand two hundred and seventy-five
 dollars ; Wareham, two thousand seven hundred and twenty-

five dollars ; West Bridgewater, two thousand five hundred and fifty dollars.

Barnstable County.

Barnstable.

Barnstable, six thousand and two hundred dollars ; Brewster, two thousand and one hundred dollars ; Chatham, three thousand one hundred and seventy-five dollars ; Dennis, three thousand four hundred and fifty dollars ; Eastham, seven hundred and twenty-five dollars ; Falmouth, three thousand seven hundred and fifty dollars ; Harwich, three thousand and two hundred dollars ; Orleans, one thousand seven hundred and fifty dollars ; Provincetown, four thousand three hundred and fifty dollars ; Sandwich, four thousand six hundred and twenty-five dollars ; Truro, one thousand and three hundred dollars ; Wellfleet, two thousand and two hundred dollars ; Yarmouth, three thousand and eight hundred dollars.

Dukes County.

Dukes.

Chilmark, nine hundred and fifty dollars ; Edgartown, two thousand eight hundred and twenty-five dollars ; Gosnold, two hundred and seventy-five dollars ; Tisbury, one thousand nine hundred and seventy-five dollars.

Nantucket County.

Nantucket.

Nantucket, six thousand and seventy-five dollars.

RECAPITULATION.

**Recapitulation
of counties.**

Suffolk County, nine hundred twenty-seven thousand two hundred and seventy-five dollars ; Essex County, two hundred thirty-eight thousand one hundred and twenty-five dollars ; Middlesex County, three hundred ninety-three thousand and twenty-five dollars ; Worcester County, two hundred twenty-one thousand seven hundred and fifty dollars ; Hampshire County, fifty-four thousand eight hundred and fifty dollars ; Hampden County, ninety thousand and four hundred dollars ; Franklin County, thirty-seven thousand three hundred and seventy-five dollars ; Berkshire County, seventy-five thousand and two hundred dollars ; Norfolk County, one hundred seventy-seven thousand and three hundred dollars ; Bristol County, one hundred fifty-two thousand three hundred and seventy-five dollars ; Plymouth County, seventy-nine thousand and six hundred dollars ; Barnstable County, forty thousand six hundred and twenty-five dollars ; Dukes County, six thousand and twenty-five dollars ; Nantucket County, six thousand and seventy-five dollars.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them, respectively, on each city or town.

Treasurer of Commonwealth to issue warrant.

SECTION 3. The treasurer, in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay, to the said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty-nine, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

—to require selectmen or assessors to issue warrant to city or town treasurers.

Names of treasurers and sums required, to be returned.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had, shall order.

Treasurer of Commonwealth to notify delinquent city or town treasurers.

SECTION 5. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL TO HYPOTHECATE SCRIP, AND FOR OTHER PURPOSES.

Chap. 201

Be it enacted, &c., as follows:

SECTION 1. The state scrip authorized to be issued by chapter fifty-one and chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight, and

Agents may be appointed to hypothecate state scrip in Europe.

by chapter ninety-one of the acts of the present year, entitled "An Act in addition to an Act to establish the Massachusetts War Fund, and to create a sinking fund for its redemption," may be hypothecated in such manner and at such times and in such pieces and amounts as the governor and council shall deem for the best interests of the Commonwealth; and the governor, with the advice and consent of the council, may appoint one or more agents for and in the name of the Commonwealth, to sell, dispose of, or hypothecate the same in Europe, under such terms and conditions as may be prescribed by the governor and council, and may fix the compensation of such agent or agents.

Scrip may be made redeemable in not less than 20 nor more than 30 years.

SECTION 2. The scrip authorized to be issued by section one of chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight, may be made redeemable in not less than twenty nor more than thirty years, as the governor and council may direct.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 202

AN ACT TO INCORPORATE THE SALISBURY RAILROAD COMPANY.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. Thomas J. Clark, George Currier, George Turner, their associates and successors, are hereby made a corporation by the name of the Salisbury Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities of all the general laws which now are or may hereafter be in force in reference to such corporations.

Name.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each, the number of said shares to be determined from time to time by the directors of said company; and said company may purchase and hold such real estate, engines, cars and other property, as may be necessary for the purposes of said road.

Location and construction.

SECTION 3. Said company is hereby authorized and empowered to locate, construct and maintain a railroad for the transportation of persons and merchandise from a point at the terminus of the Exeter Railroad, on the boundary line between the states of New Hampshire and Massachusetts, to some convenient point in the town of Salisbury.

May enter upon Salisbury branch of Eastern Railroad.

SECTION 4. Said company may also enter with its railroad, by proper turnouts and switches, upon the railroad known as the Salisbury branch of the Eastern Railroad Company, and

to use the same, or any part thereof, according to the provisions of law.

SECTION 5. Said company is hereby authorized to unite its railroad with the railroad of the Exeter Railway Company of New Hampshire, at the terminus of said road upon the state line. And when the two companies shall have so united, the stockholders of the one company shall become the stockholders of the other company, and the two companies shall constitute one corporation by the name of the Exeter and Salisbury Railway Company; and the franchise, property and power acquired under the authority of said states respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares or amount of property held by them respectively, in either or both of said companies.

May unite with Exeter Railway of New Hampshire.

New corporation to be named Exeter and Salisbury Railway Company.

SECTION 6. One or more of the directors or other officers of said united corporation, shall, at all times, be an inhabitant of this Commonwealth, on whom process against said corporation may be legally served; and said corporation shall be held to answer in the jurisdiction where the service is made and the process returnable.

One director, at least, to be resident of state.

SECTION 7. Said corporation shall keep separate accounts of its expenditures in Massachusetts and New Hampshire, respectively; and two commissioners shall be appointed by the governor of this state, to hold their offices for the term of three years, and to be reasonably compensated by said corporation, who shall decide what portion of all expenditures of said corporation and of its receipts and profits properly pertain to that part of the road lying in the two states respectively; and the annual report required to be made to the legislature of this Commonwealth, shall be approved by said commissioners.

Separate accounts of expenditures to be kept in Mass. and N. H. Commissioners to be appointed to apportion receipts and expenditures.

Annual report.

SECTION 8. Said corporation and the stockholders therein, so far as their road is situated in Massachusetts, shall be subject to all the duties and liabilities created by the provisions of the laws of this Commonwealth, to the same extent as they would have been if the union of said companies had not taken place.

Duties and liabilities of corporation, &c., not affected.

SECTION 9. The provisions contained in the four preceding sections, and all the provisions of this act which contemplate a union of said companies, shall not take effect until similar provisions shall have been authorized and adopted by the authorities of the state of New Hampshire, nor until said provisions shall have been accepted by the stockholders of said companies respectively, at legal meetings called for that purpose.

Union not to take effect until similar law is passed by New Hampshire and accepted by stockholders.

To be located in two years and constructed in three years.

SECTION 10. If the location of this road shall not be filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void.

SECTION 11. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 203 AN ACT TO INCORPORATE THE PROPRIETORS OF THE PARSONAGE OF THE FIRST CONGREGATIONAL SOCIETY IN WOBURN.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Real estate.

SECTION 1. John R. Kimball, Lewis L. Whitney, Frederic Flint, their associates and successors, are hereby made a corporation by the name of the "Proprietors of the Parsonage of the First Congregational Society in Woburn," for the purpose of procuring and holding real estate as a parsonage for said society; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, so far as applicable to said corporation.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding in value fifteen thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 204 AN ACT TO AUTHORIZE THE SEAMEN'S SAVINGS BANK IN PROVINCETOWN TO HOLD REAL ESTATE.

Be it enacted, &c., as follows:

May invest \$10,000 in a banking house.

SECTION 1. The Seamen's Savings Bank in the town of Provincetown is hereby authorized to hold real estate to the amount of ten thousand dollars, to be invested in the purchase of a site, and the erection of a suitable building to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted to the interest of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 205 AN ACT CONCERNING THE MILITIA.

Be it enacted, &c., as follows:

Adjutant-general to be acting Q. M. G.

Inspector-general to inspect state property twice a year.

SECTION 1. In time of peace the duties of quartermaster-general shall be performed by the adjutant-general.

SECTION 2. The inspector-general, or some officer detailed by him, shall twice in each year, and oftener if deemed necessary, carefully inspect all the state property in the possession of the militia.

SECTION 3. When state property is wilfully or negligently wasted or destroyed by an officer or company, the commander-in-chief may dishonorably discharge the officer and disband the company.

Officers may be dishonorably discharged and companies disbanded for wasting state property.
Repealed.

SECTION 4. So much of the first section of chapter two hundred and sixty-six of the acts of eighteen hundred and sixty-seven as requires officers to make quarterly returns, and the allowance of twenty-five dollars a year for making the same and for responsibility of state property in their possession, together with all provisions of law inconsistent with this act, are hereby repealed.

SECTION 5. Commanders of companies shall be allowed ten dollars a year for care and responsibility of state property in their possession, to be paid to them upon the certificate of the adjutant and inspector-general that they are justly entitled to receive the same.

Company commanders allowed \$10 a year for care of state property.

SECTION 6. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT CONCERNING THE DETECTION AND APPREHENSION OF OFFENDERS.

Chap. 206

Be it enacted, &c., as follows:

SECTION 1. The inhabitants of any town, and the city council of any city, are hereby authorized to raise money and expend the same for the purpose of procuring the detection and apprehension of persons committing any felony in such place.

Cities and towns may raise money for detection of felonies.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT CONCERNING THE PUBLIC BURYING-GROUNDS IN THE CITY OF NEW BEDFORD.

Chap. 207

Be it enacted, &c., as follows:

SECTION 1. Any person holding, occupying, or interested in any lot in the public burying-grounds of the city of New Bedford, in accordance with chapter twenty-nine of the ordinances of said city in relation to the interment of the dead, or any other by-law or ordinance of said city now in force, or which may hereafter be established, may deposit with the treasurer of said city any sum of money, not exceeding five hundred dollars, which sum, thus deposited, shall be entered upon the books of the treasury.

Owner of lot in public burying-ground may deposit five hundred dollars with city treasurer.

SECTION 2. The purpose for which such deposit may be made, shall be to provide for the care, keeping and preservation of the fences, trees, shrubbery, monuments, tombs and other appendages of the lot of such person.

Deposit to be used for care of lot.

City may receive money and allow interest.

SECTION 3. The city of New Bedford is hereby authorized and empowered to receive money for the purpose aforesaid, and to allow interest for the same at a rate not exceeding six per cent. per annum.

—may establish by-laws under this act.

SECTION 4. The said city is hereby authorized to establish any by-laws and ordinances, not repugnant to the laws of this Commonwealth, which may be required for the purposes of this act.*

Subject to amendment or repeal.

SECTION 5. This act shall be subject to amendment, alteration or repeal, at the pleasure of the legislature.

Approved April 27, 1869.

Chap. 208

AN ACT TO PROVIDE FOR ADJOURNMENTS OF COURTS OF COUNTY COMMISSIONERS, FROM ONE SHIRE TOWN TO ANOTHER.

Be it enacted, &c., as follows:

County commissioners may adjourn court to another shire town.

SECTION 1. County commissioners, in their several counties may, if in their judgment the public business demands, adjourn an established term or meeting from one shire town to another in the same county; and persons and processes required to appear at, or to be returned to the established term or meeting, shall appear at, be returnable to, and have day in the adjourned term or meeting.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 209

AN ACT TO AUTHORIZE THE FRANKLIN TELEGRAPH COMPANY TO ISSUE BONDS.

Be it enacted, &c., as follows:

May borrow money and issue bonds.

SECTION 1. The Franklin Telegraph Company may borrow money to an amount not exceeding two hundred thousand dollars, and issue bonds therefor, in sums not less than one hundred dollars each, payable within ten years, with interest semi-annually; and to secure the payment thereof, may mortgage its lines, equipment, franchise, and any of its property, to three trustees whom it may select.

May mortgage franchise, &c., as security for payment.

SECTION 2. In case of a vacancy in the number of trustees by death, resignation or otherwise, the remaining trustees or trustee may fill all such vacancies.

Vacancies in board of trustees.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 210

AN ACT TO CHANGE THE NAME OF THE NEW ENGLAND FEMALE MORAL REFORM SOCIETY.

Be it enacted, &c., as follows:

Name changed to New England Moral Reform Society.

SECTION 1. The New England Female Moral Reform Society shall take the name of the New England Moral Reform Society.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT TO AUTHORIZE THE STOUGHTON BRANCH RAILROAD CORPORATION TO TAKE LAND IN STOUGHTON.

Chap. 211

Be it enacted, &c., as follows :

SECTION 1. The Stoughton Branch Railroad Corporation is hereby authorized to purchase or otherwise take so much land in Stoughton, not exceeding one acre, and such materials as may be upon the land so purchased or taken, as the said corporation shall deem necessary or expedient for depot or station purposes : *provided*, said corporation shall not take any land of the Easton Branch Railroad Corporation without its consent.

May take land in Stoughton for depot purposes.

Proviso.

SECTION 2. Said corporation shall, in relation to such land, be entitled to all the rights and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws relating to such corporations.

Powers and duties.

SECTION 3. All persons who shall sustain any damage in their property by the taking of such land or materials, shall have all the rights and remedies given by the general laws.

Damages.

SECTION 4. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT TO AUTHORIZE THE BOSTON AND ALBANY RAILROAD COMPANY TO FILL UP CERTAIN LANDS AND FLATS AND TO ERECT BUILDINGS ON THE SAME.

Chap. 212

Be it enacted, &c., as follows :

SECTION 1. The Boston and Albany Railroad Company are hereby authorized to fill up the lands, wharves, docks and flats which are described in and were formerly conveyed by the deed of the Grand Junction Railroad and Depot Company to Robert G. Shaw, Franklin Haven and Ichabod Goodwin, trustees, dated on the first day of July, in the year eighteen hundred and fifty, and recorded with Suffolk deeds libro six hundred and fourteen, folio twenty-three, and now belonging to said Boston and Albany Railroad Company, and to place and erect on or under the same any solid foundations, buildings or structures : *provided*, that all things done under this act, so far as the same can have any effect upon the harbor of Boston, shall be subject to the determination and approval of the harbor commissioners, as provided by section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable

May fill docks and flats conveyed by Grand Junction Railroad, and erect buildings thereon.

Subject to control of harbor commissioners.

Proviso.

structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 213 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE EASTERN MARINE RAILWAY COMPANY IN PROVINCETOWN.

Be it enacted, &c., as follows:

\$10,000 additional capital stock.

SECTION 1. The Eastern Marine Railway Company in Provincetown, a corporation established by chapter two hundred and eighty-five of the acts of the year eighteen hundred and sixty-four, is hereby authorized to increase its capital stock ten thousand dollars, to be divided into shares of one hundred dollars each, and no shares shall be issued until the full value of each share is paid in in cash.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1869.

Chap. 214 AN ACT TO REVIVE THE CHARTER OF THE GRAND HOTEL BRANCH RAILROAD COMPANY, OF DORCHESTER.

Be it enacted, &c., as follows:

Charter revived and extended.

Chapters one hundred and thirty-three and three hundred and twenty of the acts of the year eighteen hundred and sixty-seven are hereby revived, and continued in force, and the time for locating the railroad authorized thereby, is hereby extended two years; and for the completion of the same, five years from the passage hereof.

Approved April 27, 1869.

Chap. 215 AN ACT TO INCORPORATE THE CHARITABLE TENEMENT ASSOCIATION IN THE TOWN OF PEABODY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Elijah W. Upton, Henry Poor, Edward W. Jacobs, their associates and successors, are hereby made a corporation by the name of the Charitable Tenement Association in the town of Peabody, for the purpose of providing suitable tenements at cheap rates for destitute, elderly persons of said town; with all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation shall have power to hold real and personal estate for the purposes aforesaid, not exceeding fifty thousand dollars in value.

Income in excess of expenditures to be ap-

SECTION 3. In case there should at any time be an excess of income over expenditures, the same shall be applied to

charitable purposes ; and in no event shall dividends of profits ever be made. plied to charitable purposes.

SECTION 4. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT TO AUTHORIZE THE NORTH WOBURN STREET RAILROAD COMPANY TO TRANSPORT FREIGHT OVER ITS ROAD, AND TO LEASE ITS ROAD.

Chap. 216

Be it enacted, &c., as follows :

SECTION 1. The North Woburn Street Railroad Company is hereby authorized to transport freight, in cars built for that purpose, over the whole or any portion of its railroad. May carry freight.

SECTION 2. Said North Woburn Street Railroad Company may lease its road or other property to any other railroad company, or to any party or parties. May lease road.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT TO INCORPORATE THE WOODBINE CEMETERY ASSOCIATION IN THE TOWN OF DRACUT.

Chap. 217

Be it enacted, &c., as follows :

SECTION 1. A. C. Varnum, J. B. V. Coburn, Horatio C. Marshall, their associates and successors, are hereby made a corporation by the name of the Woodbine Cemetery Association, for the purpose of establishing and perpetuating a place Corporators.

for the burial of the dead, to be located in the town of Dracut ; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set Name and purpose.

forth in chapter twenty-eight of the General Statutes, and all laws which now are or may hereafter be in force relating Powers and duties.

to such corporations. Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid not exceeding in amount five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1869.

AN ACT IN ADDITION TO AN ACT FOR THE PROTECTION OF PROVINCE LANDS IN PROVINCETOWN.

Chap. 218

Be it enacted, &c., as follows :

SECTION 1. If any person shall, without the consent in writing of the agent to be appointed as hereinafter mentioned, pull up or destroy any beach-grass, bushes or trees, or remove sods on or from the province lands in Provincetown, in the county of Barnstable, or shall use any of the said lands for pasturage without consent as aforesaid, he shall forfeit and pay the sum of five dollars for the first offence, and ten dollars for every subsequent offence, to be Penalty for destroying beach-grass or using for pasturage, province lands in Provincetown.

recovered on a complaint before any trial justice for said county of Barnstable.

Agent to be appointed and sworn.

SECTION 2. It shall be the duty of the governor, by and with the advice and consent of the council, immediately after the passage of this act, and in the month of June in each year thereafter, to appoint an agent, who shall be an inhabitant of Provincetown, and who shall be sworn to the faithful discharge of his duty, and who shall prosecute for the penalties mentioned in the preceding section, and the same when recovered shall be for the use of said town; and the said agent may grant written permits to remove trees, sods and brush from unexposed or low and swampy places, and also for pasturage, when, in his opinion, after he shall have made a personal examination of the premises, such permits may be granted without causing injury to Cape Cod Harbor, or to any public or private property. For such permits granted by said agent, he shall receive from the party obtaining the same the sum of one dollar, which shall be paid into the treasury of the aforesaid town. Said agent shall hold his office for one year, unless sooner removed by the governor and council, or until his successor shall be appointed and qualified, and he shall receive three dollars for each day's actual service, from said town.

—may grant permits to remove trees and for pasturage.

—to receive fee for granting permit.

—term of office and compensation.

Committee of three to be appointed to plant trees, grass, &c., for protection of harbor.

SECTION 3. The said town of Provincetown shall annually elect a committee of three persons, who shall be sworn to the faithful discharge of their duty; and said town is hereby authorized to enter by said committee, chosen as aforesaid, upon any of the province lands enclosed or unenclosed, for the purpose of setting out pines, bushes or grass, whenever said committee may deem it necessary for the preservation of said harbor or of any highway in said town.

Expense of planting grass, &c., by whom to be borne.

SECTION 4. Whenever, in the opinion of said committee, it shall become necessary, in consequence of any violation of the provisions of this act, to set out pines or beach-grass on any lot of said lands enclosed, the expenses thereof shall be paid by the person or persons in the occupancy of the same; and in case of refusal by any occupant to pay such expense, it may be recovered by said committee in an action of contract in any court proper to try the same.

Town may raise money to pay for planting and for services of agent and committee.

SECTION 5. The said town of Provincetown is hereby empowered to raise annually such sum of money as may be deemed necessary to defray the expenses of planting pines and setting out beach-grass on said province lands, and to pay the aforesaid agent and committee for the services by them rendered; and any sums raised for these purposes shall be assessed and collected as other taxes now are.

SECTION 6. So much of chapter two hundred and sixty-one of the acts of the year eighteen hundred and fifty-four, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; but nothing in this act contained shall be construed as repealing sections eight and nine of said chapter two hundred and sixty-one, or any portion of section twelve of chapter one hundred and fifty-four of the General Statutes. *Repeal.*

Approved May 1, 1869.

AN ACT TO CONFER UPON PROBATE COURTS CERTAIN AUTHORITY IN RELATION TO THE ESTATES OF WARDS. *Chap. 219*

Be it enacted, &c., as follows:

SECTION 1. Probate courts, after notice to all persons interested, may authorize guardians to purchase and obtain the release and conveyance of any right of dower, homestead, life estate, estate for years, or any interest, vested or contingent, held, possessed or owned by any person, in or to any real estate of their wards, and to make any contract for or concerning said rights or interests necessary to effect such purchase and provide for the payment of the consideration thereof, or the performance of any condition thereof; and also to bind the said estates of their said wards by mortgage or otherwise, for the purpose aforesaid, when it shall appear to said court to be for the interest of said wards.

Probate courts may authorize guardians to obtain release of interest in real estate of wards.

—also to mortgage estates of wards.

SECTION 2. In every mortgage, executed under the provisions of this act, the guardian shall set forth in the mortgage that the same was executed by leave of the court, and the date when such leave was granted; and such mortgage, when executed, shall bind the estate of the ward only, and shall not interfere with the proper settlement of the estate by such guardian.

Mortgage to set forth that it was executed by leave of court.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1869.

AN ACT TO INCORPORATE THE BARRE SAVINGS BANK. *Chap. 220*

Be it enacted, &c., as follows:

SECTION 1. Charles Brimblecom, Hiram Wadsworth, George Brown, their associates and successors, are hereby made a corporation by the name of the Barre Savings Bank, to be located in the town of Barre; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings.

Corporators.

Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1869.

Chap. 221 AN ACT TO INCORPORATE THE GROVELAND SAVINGS BANK.*Be it enacted, &c., as follows :***Corporators.****Name.****Powers and duties.**

SECTION 1. N. H. Griffith, Nathaniel Ladd, E. T. Curtis, their associates and successors, are hereby made a corporation by the name of the Groveland Savings Bank, to be located in the town of Groveland ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

*Approved May 1, 1869.***Chap. 222** AN ACT TO INCORPORATE THE HAMPSHIRE SAVINGS BANK.*Be it enacted, &c., as follows :***Corporators.****Name.****Powers and duties.**

SECTION 1. Luke Lyman, Henry A. Longley, A. Perry Peck, their associates and successors, are hereby made a corporation by the name of the Hampshire Savings Bank, to be located in the town of Northampton ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

*Approved May 1, 1869.***Chap. 223** AN ACT TO INCORPORATE THE SOUTH ADAMS SAVINGS BANK.*Be it enacted, &c., as follows :***Corporators.****Name.****Powers and duties.**

SECTION 1. L. L. Brown, H. J. Bliss, H. T. Crandall, their associates and successors, are hereby made a corporation by the name of the South Adams Savings Bank, to be located in the town of Adams ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

*Approved May 1, 1869.***Chap. 224** AN ACT TO INCORPORATE THE CHELSEA YOUNG MEN'S CHRISTIAN ASSOCIATION.*Be it enacted, &c., as follows :***Corporators.****Name and purpose.**

SECTION 1. Alfred Blanchard, James B. Rogers, John H. Roberts, their associates and successors, are hereby made a corporation by the name of the "Chelsea Young Men's Christian Association," to be located in the city of Chelsea, for the purpose of improving and promoting the spiritual

welfare and mental culture of young men; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate, not exceeding fifty thousand dollars in value, for the purposes aforesaid.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1869.

AN ACT TO INCORPORATE THE ASHBY RESERVOIR COMPANY.

Chap. 225

Be it enacted, &c., as follows:

SECTION 1. John Davis, Lyman Sawin, Charles H. Osgood,

Corporators.

their associates and successors, are hereby made a corporation, to be located in the town of Ashby, by the name of the Ashby Reservoir Company, for the purpose of constructing

Name and purpose.

and maintaining a reservoir or reservoirs of water, in Wil-
lard Brook, so called, in the town of Ashby, for the supply
of the mills now or hereafter to be situated on said stream:

provided, however, that all reservoirs hereafter constructed

Proviso.

shall be located between the existing reservoir and the mills
of the above named corporators; with all the powers and
privileges, and subject to all the duties, restrictions and
liabilities set forth in all general laws which now are or may

Powers and duties.

hereafter be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal

Real and personal estate.

estate necessary and convenient for the purposes aforesaid;
but its whole capital stock shall not exceed fifteen thousand
dollars, which shall be divided into shares of one hundred
dollars each.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1869.

AN ACT CONCERNING THE NORTH ATTLEBOROUGH BRANCH RAILROAD COMPANY.

Chap. 226

Be it enacted, &c., as follows:

SECTION 1. The time for locating and constructing the North
Attleborough Branch Railroad is hereby extended to the first
day of May, in the year eighteen hundred and seventy-two.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1869.

AN ACT CONCERNING THE WRENTHAM BRANCH RAILROAD COMPANY.

Chap. 227

Be it enacted, &c., as follows:

SECTION 1. The time for locating and constructing the
Wrentham Branch Railroad is hereby extended to the first
day of May, in the year eighteen hundred and seventy-two.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1869.

Chap. 228 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF FOREST HILLS CEMETERY.

Be it enacted, &c., as follows :

Special meetings of proprietors.

SECTION 1. Special meetings of the proprietors of Forest Hills Cemetery shall be called by the trustees, whenever fifty proprietors of lots shall, in writing, request the trustees so to do. Such request shall state specifically the objects of the meeting, and such objects shall be stated in the notices of the meeting, which shall be given by the trustees in the manner provided in section six of the act incorporating said proprietors.

Trustees may be removed by a two-thirds vote.

SECTION 2. Any trustee of said corporation may be removed from his office, at any meeting of the proprietors called for that purpose, by a vote of two-thirds of the proprietors present or represented and voting at such meeting, but such two-thirds shall be not less than two hundred and fifty votes; and before such vote is taken any such trustee shall have an opportunity to be heard, and to make any statements in his own defence.

Approved May 1, 1869.

Chap. 229 AN ACT TO CONFIRM THE DEED OF THE SOMERVILLE IRON COMPANY TO WILLIAM R. BRADFORD.

Be it enacted, &c., as follows :

Deed confirmed.

The deed of the Somerville Iron Company to William R. Bradford, bearing date the thirty-first day of March, in the year eighteen hundred and sixty, and recorded with Middlesex South District deeds, book eight hundred and thirty-six, at page one hundred and forty, is hereby confirmed and made valid to the same extent as said deed would have been valid had the same been duly acknowledged as the free act and deed of said company.

Approved May 1, 1869.

Chap. 230 AN ACT TO CHANGE THE NAME OF THE ROWE STREET BAPTIST SOCIETY.

Be it enacted, &c., as follows :

Name changed to Clarendon Street Baptist Society.

SECTION 1. The Rowe Street Baptist Society in Boston, incorporated the twenty-first day of February, in the year eighteen hundred and thirty-four, under the name of The Federal Street Baptist Society, which name was changed to The Rowe Street Baptist Society by act approved on the seventh day of April, in the year eighteen hundred and forty-seven, shall be known and called by the name of The Clarendon Street Baptist Society, and as such shall hold and possess all the property and be entitled to all the rights and privileges and subject to all the liabilities of said Rowe Street Baptist Society.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1869.

AN ACT TO INCORPORATE THE "HEYWOOD RATTAN COMPANY." Chap. 231*Be it enacted, &c., as follows :*

SECTION 1. Levi Heywood, Calvin Heywood, Charles Heywood, their associates and successors, are hereby made a corporation by the name of the Heywood Rattan Company, for the purpose of manufacturing rattan goods, in the town of Gardner; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars; and the whole capital stock shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation or incur any liability until the sum of one hundred thousand dollars of its capital shall have been paid in in cash.

Real estate.

Capital stock and shares.

Proviso.

SECTION 3. This act shall take effect upon its passage.

*Approved May 1, 1869.***AN ACT TO AUTHORIZE ALBION K. P. WELCH AND ASSOCIATES TO MAINTAIN AND USE A LINE OF ELECTRIC TELEGRAPH. Chap. 232***Be it enacted, &c., as follows :*

SECTION 1. Albion K. P. Welch and Marshal T. Bigelow, both of Cambridge, copartners under the firm name of Welch, Bigelow and Company; James T. Fields, James R. Osgood and John S. Clark, all of Boston, copartners under the firm name of Fields, Osgood and Company, and the Reversible Collar Company, a corporation by law established in this Commonwealth, the owners of a line of electric telegraph, heretofore by them erected, between and connecting the place of business of the said Welch, Bigelow and Company in Cambridge, and the place of business of the said Fields, Osgood and Company in Boston, and between and connecting the places of business of the said Reversible Collar Company in Boston and in Cambridge, are hereby authorized to maintain and use the said line of electric telegraph, for their private business purposes, with such number of wires as may be necessary and convenient therefor.

Corporators.

May maintain and use private telegraph line.

SECTION 2. The said Welch, Bigelow, Fields, Osgood and Clark, and the said Reversible Collar Company, shall, within sixty days after the passage of this act, furnish the mayor and aldermen of the city of Boston with a writing, specifying where the posts are located, and the height at which and the places where the wires are run, of that part of the said line

To inform mayor and aldermen of Boston where posts are located, height, &c., of wires.

To furnish
Cambridge with
similar infor-
mation.

located within the said city; and they shall, within said ten days, furnish the mayor and aldermen of the city of Cambridge with a like writing containing the same specifications as to that part of said line located within the said city. Such specifications shall be recorded in the records of the said cities, respectively.

Mayors and aldermen of Boston and Cambridge may regulate erection of posts, wires, &c.

SECTION 3. The mayor and aldermen of the city of Boston having first given the owners of the said line an opportunity to be heard, may direct any alteration in the location or erection of the posts, piers or abutments, and in the height of the wires, or the removal of the same from the public street within the said city; and the mayor and aldermen of the city of Cambridge shall have like power over and as to that part of the said line located within the said city of Cambridge. Such decision shall be recorded in the records of the city within which such alteration is directed to be made.

Owner of land near highway may apply to mayor and aldermen for assessment of damages.

SECTION 4. An owner of land near to or adjoining a highway or road along which said line is constructed, who considers himself injured thereby, may, within nine months after the passage of this act, apply to the mayor and aldermen of the city within which his land lies, to assess and appraise his damage. Before entering upon the service, the mayor and aldermen shall severally be sworn faithfully and impartially to perform the duties required of them by this section. They shall, on view, after giving an opportunity to the applicant and to the owners of said line to be heard, make a just appraisal in writing of the loss or damage, if any, to the applicant; sign duplicates thereof, and on demand deliver one copy to the applicant and the other to the owner or either of them, of the said line. If damages are assessed, the owners of the said line shall pay the same with the costs of the appraisers. If the appraisers award that the applicant has suffered no damage, he shall pay the costs of the appraisal. The mayor and aldermen shall each receive for services performed, under this section, two dollars a day.

Assessment and payment of damages.

Compensation of mayor and aldermen.

Parties aggrieved may have damages assessed by a jury.

Costs.

SECTION 5. Any person aggrieved by the assessment of his damages may have the matter determined by a jury, and the proceedings shall be according to the provisions of section seventy-three of chapter forty-three of the General Statutes concerning town ways and private ways. If the jury increase the damages, the same and all charges shall be paid by the owners of the said line; otherwise the charges shall be paid by the applicant.

Damages by posts, wires, &c., how recovered and by whom to be paid.

SECTION 6. When an injury is done to a person or to property by the posts, wires, or other apparatus of the said line, the owners thereof shall be responsible in damages to

the party injured, and all damages and costs recovered against either the city of Boston or the city of Cambridge, on account of such injury, shall be re-imbursed to such city by the owners of said line.

SECTION 7. No enjoyment by the owners of said line for any length of time of the privilege of having or maintaining telegraph posts, wires or apparatus, in, upon, over, or attached to, any buildings or lands of other persons, shall give a legal right to the continued enjoyment of such easement, or raise any presumption of a grant thereof.

Owners of line not to obtain easements permanently.

SECTION 8. This act shall take effect upon its passage.

Approved May 1, 1869.

AN ACT CONCERNING THE NORTH ADAMS WATER COMPANY.

Chap. 233

Be it enacted, &c., as follows :

SECTION 1. The town of North Adams is hereby authorized to assess and collect upon the estates, real and personal, in the fire district of North Adams, all taxes necessary to pay the principal and interest of the notes, scrip and certificates issued and loaned under the authority of chapter one hundred and ninety-one of the acts of the year eighteen hundred and sixty-four, and chapter fifty-four of the acts of the year eighteen hundred and sixty-seven.

Town of North Adams may tax fire district of North Adams for principal and interest of water debt.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1869.

AN ACT TO INCORPORATE THE TURNER'S FALLS PULP COMPANY.

Chap. 234

Be it enacted, &c., as follows :

SECTION 1. Alberto Pagenstecker, Edwin Bulkley, Alvah Crocker, their associates and successors, are hereby made a corporation by the name of the Turner's Falls Pulp Company, for the purpose of manufacturing paper pulp from wood and other fibrous substances at Turner's Falls in the town of Montague; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force in this Commonwealth applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not incur any liability or go into operation until fifty thousand dollars shall have been paid in in cash.

Real estate.

Capital stock and shares.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1869.

Chap. 235 AN ACT FOR THE PROTECTION OF TROUT IN AVERY BROOK, IN THE TOWNS OF CHARLEMONT AND HEATH.

Be it enacted, &c., as follows:

Trout not to be taken from Avery Brook without license.

Penalty.

Notices of this act and its penalties to be posted by owners of brook.

Penalty for defacing notices.

SECTION 1. Whoever, without a written license from the owners or lessees of Avery Brook, or its tributaries, takes any trout therefrom within the limits of either of the towns of Charlemont or Heath, shall forfeit and pay a fine of twenty-five dollars for every such offence, to be recovered before any trial justice, or in any court of record in the county of Franklin.

SECTION 2. The foregoing section shall be without effect unless the owners or lessees aforesaid shall erect and maintain notices of this act and its penalties, painted or engraved in clear, legible letters; said notices to be erected within one hundred rods of each other throughout the entire length of said brook and its tributaries, and on or near the bank thereof, within the boundaries of the aforesaid towns.

SECTION 3. Whoever destroys, injures or defaces any such notices so erected, shall forfeit and pay for every such offence a fine of twenty-five dollars, to be recovered in the same manner as provided in section one in this act.

Approved May 6, 1869.

Chap. 236

AN ACT CONCERNING PILOTAGE.

Be it enacted, &c., as follows:

Repeal of 1862, 176, § 17.

General regulation, numbered fifteen, re-enacted.

SECTION 1. Section seventeen of chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-two is hereby repealed.

SECTION 2. The general regulation for pilotage in this Commonwealth, numbered fifteen in the schedule contained in said chapter, is hereby re-enacted.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1869.

Chap. 237

AN ACT TO AUTHORIZE CITIES AND TOWNS TO TAKE EARTH AND GRAVEL FOR THE CONSTRUCTION AND REPAIR OF WAYS.

Be it enacted, &c., as follows:

May lay out land for gravel and clay pits, to be used in repairing streets.

May lay out ways for access to pits.

SECTION 1. The mayor and aldermen of cities, and the selectmen of towns, may select and lay out any lots of land within their respective limits, not appropriated to public uses, nor owned by any other city or town, as gravel and clay pits, from which earth and gravel necessary to be used in the construction, repair or improvement of the streets or ways which such city or town may by law be bound to construct or keep in repair, may be taken, together with such ways as they may deem to be necessary for convenient access

thereto. All proceedings in relation to the taking and laying out of such land, shall be the same as are now provided by law in the cases of laying out streets and town ways respectively; and the report of such laying out shall specify the extent and depth of excavation to be permitted upon such land, and the time, not exceeding ten years next after such laying out, during which such land or way shall be held and used for the purposes aforesaid.

Same proceedings as in laying out highways.

Extent of excavation permitted to be specified.

SECTION 2. Any person aggrieved in the assessment of his damages by the board of mayor and aldermen, or selectmen, for land taken under this act, may have the matter of his complaint determined by a jury, in the same manner as is now provided by law in cases of highways, which jury shall be applied for within one year after such assessment.

Damages, how to be determined.

SECTION 3. Any land taken by virtue of this act, shall be held and used by such cities or towns for no other purposes than those herein specified, and shall revert to the owner, his heirs, and assigns, upon the expiration of the time limited; and the owner may, during such time, enclose, occupy and use such land, in any manner not inconsistent with the use of the same by such city or town for the purposes aforesaid.

Land taken to be used only for purposes specified, and to revert to owner at expiration of the time limited.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1869.

AN ACT TO AUTHORIZE THE VERMONT AND MASSACHUSETTS RAILROAD COMPANY TO ISSUE BONDS, AND TO CONFIRM ITS PURCHASE OF THE TURNER'S FALLS BRANCH RAILROAD.

Chap. 238

Be it enacted, &c., as follows:

SECTION 1. The Vermont and Massachusetts Railroad Company is hereby authorized to issue bonds, not exceeding two hundred thousand dollars in amount, payable at such times as may be fixed therein, not exceeding twenty years from their respective dates, with interest not exceeding the rate of seven per cent. per annum, free of United States internal revenue tax, payable semi-annually, and with the right of the holders to convert said bonds, at the holder's option, into the capital stock of said company at the par value of such stock and bonds, at such time and on such terms as may be fixed in said bonds.

May issue bonds, which, at holder's option, may be converted into capital stock.

SECTION 2. The whole or any portion of said bonds may be issued without such right of conversion.

May issue bonds without right of conversion.

SECTION 3. The transfer made by the Turner's Falls Branch Railroad Company of all their property, right and franchise perpetually to the said Vermont and Massachusetts Railroad Company, under the authority of an act to incor-

Transfer by Turner's Falls Branch Railroad Company confirmed.

porate the Turner's Falls Branch Railroad Company, passed on the tenth day of February, in the year one thousand eight hundred and sixty-six, is hereby confirmed. Said Vermont and Massachusetts Railroad Company is hereby authorized to locate, construct, maintain and operate the railroad authorized by said act, and to take land therefor, and to have and enjoy all the rights and privileges under said transfer and act and any act in addition thereto, which said Turner's Falls Branch Railroad Company might otherwise have and enjoy, and to pay for the location and construction of said railroad by borrowing money therefor, or out of income, without the creation of any new capital stock specifically for that purpose.

Approved May 6, 1869.

May pay for construction out of income or with borrowed money.

Chap. 239 AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE NORTHAMPTON AND SHELBURNE FALLS RAILROAD.

Be it enacted, &c., as follows:

Time for location and construction extended.

SECTION 1. The time for locating and constructing the railroad of the Northampton and Shelburne Falls Railroad Company is hereby extended to the first day of June, in the year eighteen hundred and seventy-four.

Additional coporators.

SECTION 2. Joseph Griswold, Samuel D. Bardwell and John Sprague are hereby associated with the original coporators named in chapter sixty-five of the acts of the year eighteen hundred and sixty-one.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1869.

Chap. 240 AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE NORTH ADAMS AND BENNINGTON RAILROAD.

Be it enacted, &c., as follows:

Time for location and construction extended.

SECTION 1. The time for locating and constructing the North Adams and Bennington Railroad is hereby extended to the first day of May, in the year eighteen hundred and seventy-five.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1869.

Chap. 241 AN ACT CONCERNING THE FITCHBURG RAILROAD PASSENGER STATION AT CAMBRIDGE.

Be it enacted, &c., as follows:

May abandon passenger station in Cambridge and erect new station.

SECTION 1. The Fitchburg Railroad Company is hereby authorized to abandon its present passenger station in Cambridge, and to erect a new passenger station across its railroad tracks, adjacent to the North Avenue Railroad Bridge, and to so construct said station that it may be entered from the grade of said bridge.

SECTION 2. Said railroad company is also hereby authorized to locate and take between said North Avenue Bridge and the bridge over said railroad next below and easterly from said North Avenue Bridge, whatever land, upon either or both sides of said railroad, not exceeding twenty feet in width, may be required for railroad purposes: *provided, however,* that no additional tracks shall be laid down between said bridges. And all damage sustained by any person, corporation, city or town by the taking of land or of any highway or part thereof, shall be assessed in the manner provided in the taking of land by railroad corporations. And said railroad shall continue subject to the same duties, restrictions and liabilities as heretofore. *Approved May 6, 1869.*

May take land on both sides of railroad.

Proviso.

AN ACT TO REVIVE THE CHARTER OF THE WILLIAMSTOWN AND HANCOCK RAILROAD COMPANY, OTHERWISE CALLED THE LEBANON SPRINGS RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Chap. 242

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and forty-six of the acts of the year eighteen hundred and fifty-two, entitled "An Act to incorporate the Williamstown and Hancock Railroad Company," is hereby revived; and all the franchises, rights, powers, authorities, privileges, immunities and property, granted by chapter one hundred and sixty-eight of the acts of the year eighteen hundred and fifty-three, entitled an act to authorize the consolidation of the Williamstown and Hancock Railroad Company with the Lebanon Springs Railroad Company are hereby revived and re-granted to said company as fully as if the said company had complied with the conditions mentioned in the said acts.

Charter revived.

Act of consolidation revived.

SECTION 2. Said company is empowered to locate, construct and maintain a branch road, with one or more tracks, from some convenient point on its line in Williamstown in Berkshire County, to and into the town of Adams in said county, and may with its road, enter upon, unite with and use the railroad of the Williamsburg and North Adams Railroad Company.

May build branch and unite with Williamsburg and N. Adams Railroad.

SECTION 3. The towns of Adams, Williamstown and Hancock are hereby severally authorized, when so voting at legal town meetings, duly called for the purpose, to subscribe for and hold shares in the capital stock of said Lebanon Springs Railroad Company, to an amount not exceeding five per centum of the assessed valuation of said towns respectively; and said towns may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise by loan upon bonds, or tax or otherwise, any and all

Adams, Williamstown and Hancock may take stock in Lebanon Springs Railroad.

sums of money which may be necessary to pay for the same, and may hold and dispose of the same in the same manner as in case of other town property.

Selectmen or agents to represent towns at meetings of company.

SECTION 4. The selectmen of said towns of Adams, Williamstown and Hancock respectively, or any agent or agents chosen by said towns for the purpose, shall have authority to represent said towns respectively at any and all meetings of said Lebanon Springs Railroad Company, and said towns so represented are hereby authorized to vote on the whole amount of the stock held by said towns respectively, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Roads may be consolidated under name of Williamsburg, North Adams and Lebanon Springs Railroad.

SECTION 5. The said Lebanon Springs Railroad Company and the said Williamsburg and North Adams Railroad Company are hereby authorized to consolidate and merge and become one corporation by the name of the Williamsburg, North Adams and Lebanon Springs Railroad Company, whenever the stockholders of the said companies respectively shall, at legal meetings duly called for the purpose, vote so to do. And by virtue of such merger and consolidation when so voted, all the franchises, rights, powers, authorities, privileges, immunities and property of the said companies respectively, shall be held and enjoyed by all the stockholders in proportion to the number of shares or amount of property held by them respectively in either or both of said companies.

Additional corporators.

SECTION 6. Henry L. Sabin, Benjamin F. Mills, Levi L. Brown and Sylvander Johnson are hereby associated with the original corporators in the acts hereby revived.

Time for location and construction extended.

SECTION 7. The time within which said Lebanon Springs Railroad Company was ordered to be located and constructed, is hereby extended to the first day of June, eighteen hundred and seventy-four.

SECTION 8. This act shall take effect upon its passage.

Approved May 6, 1869.

Chap. 243 AN ACT TO AUTHORIZE THE TOWN OF STOCKBRIDGE TO TAKE STOCK IN THE LEE AND NEW HAVEN RAILROAD COMPANY.

Be it enacted, &c., as follows:

Stockbridge may take stock in Lee and New Haven Railroad.

SECTION 1. The town of Stockbridge is hereby authorized to subscribe for and hold shares in the capital stock of the Lee and New Haven Railroad Company, to an amount not exceeding thirty thousand dollars, and to pay for the same out of the treasury of the town, and is hereby authorized to raise by loan, tax or bonds such sums of money as may be necessary to pay for the same, and may hold and dispose of

the same like other town property : *provided*, that a majority of the legal voters of said town, present and voting at a legal meeting called for that purpose, shall vote to make such subscriptions. Proviso.

SECTION 2. The said town of Stockbridge may appoint a committee, who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town, and said committee are hereby authorized to cast the vote of said town in the choice of directors of said company, at the first meeting of the stockholders thereof called for that purpose, and held next after such appointment; and thereafter the vote of said town, in the choice of directors of said company, shall be cast by the person or persons whom said town may designate. Committee to subscribe for stock and vote at first meeting of stockholders.

SECTION 8. The said town of Stockbridge may vote to make such subscriptions, upon condition that the amount thereof shall be laid out and expended upon any portion of the road of said company, or any branch thereof, as the said town may designate. Town may make conditional subscription for stock.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1869.

AN ACT CONCERNING A FREE BRIDGE FROM SUNDERLAND TO DEERFIELD.

Chap. 244

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the county of Franklin may lay out and construct a public highway and bridge, with suitable approaches, across the Connecticut River, in the towns of Deerfield and Sunderland, at such place as they shall deem most expedient, within one mile of the present location of the bridge belonging to the Proprietors of Sunderland Bridge, a corporation chartered by chapter thirty-eight of the acts of eighteen hundred and eleven; and if they shall deem it expedient, may lay out as such highway, said bridge, with the abutments, approaches and ways leading thereto, belonging to said corporation, and there construct such public bridge. Commissioners of Franklin County may build bridge across Connecticut River, within one mile of Sunderland Bridge.

SECTION 2. Said county commissioners may purchase, if in their judgment public convenience and necessity require, may take and use, for the above purposes, all or any property and materials in the old bridge belonging to said corporation; and the damages caused by such laying out and constructing such highway and bridge, and by the taking and using of such property and materials, shall be estimated and paid in the same manner and with the same rights and remedies to all parties interested, as is provided in chapter forty-three of the General Statutes in case of damage sustained by persons —may lay out Sunderland Bridge as a highway.

—may purchase property and materials in old bridge.

—may use the money and pledge credit of Franklin County.

Expense of building and maintaining, by whom to be paid.

Commissioners to be appointed to apportion expense between county and towns.

—to make report to S. J. C.

—compensation and expenses.

in their property by the laying out of highways. And said county commissioners may use the money and pledge the credit of the county of Franklin as they shall deem necessary and proper to meet all expenses under this act.

SECTION 3. All expenses incurred under this act, including all expenses of maintaining and keeping in repair said bridge when completed, shall be borne and paid by the county of Franklin and such towns in the several counties of Franklin and Hampshire, in such proportions and in such manner as shall be determined under the following provisions.

SECTION 4. When such highway and bridge are completed, and as soon as their full cost is ascertained, said county commissioners shall file their report of the fact, together with the amount of such cost, including all sums paid for damages, in the office of the clerk of the supreme judicial court for the county of Franklin; whereupon, and upon the application of either of said county commissioners or any party interested, said court shall appoint a board of three commissioners, who shall be sworn to the faithful discharge of their duties hereunder, and who, after proper notice to and a full hearing of all parties interested, shall award and determine what proportionate amount of the cost so reported, and also what proportionate amount of all expenses of maintaining and keeping in repair said bridge and all other expenses incurred under this act, shall be borne and paid by the county of Franklin and by such towns in the several counties of Franklin and Hampshire as they shall award and determine will be specially benefited by said bridge; and they shall also award and determine how and by and to whom such proportionate amounts shall be paid.

SECTION 5. The determinations and awards of said commissioners, or the majority of them, shall be by them reported in writing to the supreme judicial court for the county of Franklin; and upon being accepted by said court, and judgment or decree entered thereon, shall be binding upon all parties named therein, and such proceedings may be had upon such judgment or decree, and to enforce and carry into effect the same, as is provided by law in civil cases in said court. The compensation and expenses of said commissioners shall be paid in such manner as they shall determine, subject to the approval of the supreme judicial court; and all matters and things provided by this act to be done in or by the supreme judicial court, except the final judgment or decree, may be done by any justice of said court as well in vacation as term time.

SECTION 6. The towns of Sunderland and Deerfield shall, respectively, be liable for damages arising from defects in the portions of said bridge and its abutments which shall lie or be in said respective towns, in like manner as in case of defects in highways.

Sunderland and Deerfield liable for damages from defects in bridge.

SECTION 7. This act shall take effect upon its passage.

Approved May 6, 1869.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF FALL RIVER. *Chap. 245*

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of the city of Fall River, for all the purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate, in fact and in name, under the style and denomination of the City of Fall River; and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said city as a municipal corporation.

City of Fall River continued a body corporate.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor; one council of six, to be called the board of aldermen; one council of eighteen, to be called the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business.

Government.

SECTION 3. It shall be the duty of the city council in the year eighteen hundred and sixty-nine, and in every fifth year thereafter, and not oftener, to revise, and if it be needful, make a new division of the city into such number of wards, not less than six, as said council shall deem the interests of the city may require, and the revision or increase of said wards shall be done in such manner that said wards shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of qualified voters in each ward, according to a census of voters which shall be taken in the month of May in said years; and until such new revision or increase be made, the boundary lines of the wards of said city shall remain as now established: *provided*, that in case the number of wards shall be increased, each ward shall be entitled to one alderman and three common councilmen, which aldermen and common councilmen shall

Revision of wards.

Proviso.

be denominated the city council, who, with the mayor, shall exercise all the powers granted in section two of this act.

Election of city officers.

SECTION 4. A meeting of the citizens qualified to vote, shall, for the purpose of choosing mayor, aldermen, common councilmen and ward officers, be held annually on the first Monday of December; and the municipal year shall begin on the first Monday of January following.

Warrants for meetings, how issued.

SECTION 5. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner and at such times as the city council may by ordinance direct.

Mayor to be resident of city and a voter.

SECTION 6. The mayor shall be a resident of the city and a voter, and shall be elected by ballot by the qualified voters of the city at large, voting in their respective wards; and he shall hold his office for one year from the first Monday of January following the annual meeting, and until another shall be elected and qualified in his stead.

One alderman and three common councilmen to be elected from each ward.

SECTION 7. One alderman and three common councilmen shall be elected from and by the voters of each ward of the city, and shall be residents of the wards when elected. The said aldermen and common councilmen shall be chosen by ballot, and shall hold their offices for one year from the first Monday of January following the annual meeting: *provided*, that said aldermen shall hold their offices until others are chosen and qualified in their stead.

Term of office.

Warden, clerk and three inspectors to be chosen in each ward.

SECTION 8. At the annual meeting, to be held on the first Monday of December, there shall be chosen by ballot in each of the wards of the city, a warden, clerk and three inspectors of elections, who shall be different persons, residents of the ward in which they are chosen, and who shall hold their offices for the municipal year next following said meeting, and until others shall have been chosen and qualified to act. It shall be the duty of said wardens to preside at all ward meetings with the power of moderators of town meetings; and if at any meeting the warden shall not be present, the clerk of said ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot; and if at any meeting the clerk shall not be present, a clerk

Wardens to preside at ward meetings with powers of moderators.

If wardens, &c., are absent, places to be supplied *pro tempore*.

pro tempore shall be chosen by ballot; and if both the warden and clerk shall be absent, the senior in age of the inspectors of elections of said ward may preside until a warden *pro tempore* shall be chosen as aforesaid; and in case of the absence of all of said officers, the constable who returns the warrant to said ward meeting may call the meeting to order

and preside until a warden *pro tempore* shall be chosen by ballot; and whenever any ward officer shall be absent, or neglect or refuse to perform the duties of his office, his office shall be filled *pro tempore* by ballot. The clerk shall record all the proceedings and certify the ballots given at any election in a book to be provided by the city for such purposes, and deliver to his successor in office, all such books and records, together with all other documents, papers and things, held by him in the said capacity; and shall within forty-eight hours after his election, deliver to each person elected to a ward office a certificate of his election, signed by the warden, clerk and a majority of the inspectors of elections. It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the ballots given at any election. The warden, clerk and inspectors so chosen shall respectively make oath or affirmation faithfully and impartially to perform their several duties, relative to all elections, which oath or affirmation may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Bristol; and the fact or certificate that such oath or affirmation has been taken, shall be entered on the record of the ward by the clerk thereof.

Clerk to record proceedings.

Duties of inspectors.

Ward officers to be sworn.

SECTION 9. At the annual meeting of the citizens, for the election of mayor, aldermen, common councilmen and ward officers, held on the first Monday of December, the citizens of said city qualified to vote for state officers, shall, for the purposes of such election, then meet together within the wards in which they respectively reside, at such hour and place as the mayor and aldermen may by their warrants direct and appoint, and give in their ballots for mayor, aldermen, common councilmen and ward officers, in accordance with the provisions of this act; and all ballots so given in shall be assorted, counted and declared by the warden, and recorded by the clerk in open ward meeting; and the names of all persons receiving ballots, and the number of ballots received for each person, and the title of the office for which he is proposed, shall be written in the ward records in words at length; and the person having the highest number of ballots for alderman, common councilman or ward officer at said election shall be declared elected; and a transcript of such record, certified by the warden, clerk and a majority of the inspectors of elections for each ward, shall forthwith be transmitted or delivered by such ward clerk to the clerk of the city; and if the choice of aldermen, common councilmen or ward officers shall not be effected on that

Proceedings at elections.

Transcript of record to be transmitted to city clerk.

Meetings may be adjourned if there is no choice.

day in any ward, by reason of two or more persons receiving the same number of ballots for the same office, the meeting in such ward may be adjourned from time to time to complete such election.

Ward clerks to deliver certificates of election to aldermen and councilmen elect.

SECTION 10. The clerks of the several wards within forty-eight hours after such election, shall deliver to the persons elected aldermen, and to each person elected common councilman, a certificate of his election, certified by the warden, clerk, and a majority of the inspectors of elections.

City clerk to record copies of records received from ward clerks.

SECTION 11. It shall be the duty of the city clerk forthwith to enter the copies of the records of the several wards received from the ward clerks, certified as aforesaid, or a plain and intelligible abstract of them, upon the journal of the board of aldermen or some book kept for that purpose.

Aldermen to examine records and notify mayor elect.

SECTION 12. The board of aldermen, within four days after such election, shall examine the copies of the records of the several wards, and shall cause the person that shall have received the greatest number of ballots for mayor, to be notified, in writing, of his election; but if it shall appear by said records that no person has been elected, or if the person elected shall refuse to accept the office, said board shall issue their warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and shall from time to time be repeated until a mayor shall be chosen.

—to issue warrant for new election if no choice, &c.

—may examine ballots if notified by ten or more voters that they have reason to believe that the returns of ward officers are erroneous.

SECTION 13. If within ten days after an election for mayor, aldermen, common councilmen or ward officers, ten or more voters of any ward shall notify the city clerk, by a written statement, that they have reason to believe that the returns of the ward officers are erroneous, and shall specify wherein they deem them in error, the said clerk shall receive such statement, and shall notify the board of aldermen thereof, and the board of aldermen shall, within four days thereafter, examine the ballots thrown in said ward, and determine the questions raised; they shall then enclose the ballots in an envelope, and seal the same, with the seal of the city, or a seal provided for the purpose, and shall endorse upon said envelope a certificate that the said ballots have been recounted and resealed in conformity to law; and the ballots sealed as aforesaid shall be returned to the city clerk. They shall also certify to the city clerk the result of their examination, who, upon their certificate, shall alter and amend such returns as have been found to be erroneous, and such amended return shall stand as the true return of the ward; and if said examination shall prove that any person or persons, other than those declared by the warden of the ward

—to certify to city clerk result of examination, who shall amend return.

to be elected, have been chosen to an office, the city clerk shall forthwith forward to the person or persons found by said examination to have been elected, a certificate of their election, and the office to which elected, which certificate shall be *prima facie* evidence of their right to hold said office.

SECTION 14. The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in their respective rooms; and the board of aldermen shall be called to order by the mayor, or, in his absence, by their eldest senior member; and the common councilmen shall be called to order by their eldest senior member, and on the appearance of a quorum of each board, notice shall be communicated to the other of that fact, and the two branches shall then forthwith meet in convention, when the oath or affirmation required by this act shall be administered to the mayor elect, by the city clerk, or any justice of the peace for the county of Bristol; and to the members of the two boards present, by the mayor or any justice aforesaid; and a certificate of such oath having been taken, shall be entered in the journals of the boards of aldermen and of the common council, by their respective clerks.

Qualification of mayor, aldermen and common councilmen.

SECTION 15. After the organization of the city government as aforesaid, the two branches shall separate, and the persons chosen and qualified as aldermen shall meet, and if a quorum shall be present, said board shall proceed to choose a permanent chairman, who shall, in the absence of the mayor, preside at all meetings of said board, and in convention of the two branches; and in case of any vacancy in the office of mayor for any cause, he shall exercise all the powers and perform all the duties of said office as long as such vacancy shall continue, and he shall always have a vote in said board, and in convention of the two branches, but shall not in addition have a casting vote. In the absence of the mayor and chairman of the board of aldermen, said board may choose a chairman *pro tempore*.

Aldermen to choose permanent chairman to preside in absence of mayor.

Chairman *pro tempore*.

SECTION 16. The persons chosen and qualified as members of the common council, shall meet and act together as a separate body, distinct from that of the board of aldermen, except in those cases in which the two bodies meet in convention; and the said council shall have power, from time to time, to choose by ballot one of their own members president, who shall preside over their deliberations, and preserve order and decorum therein; and to choose by ballot a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall hold his office until a successor has been

Councilmen to choose president and clerk

Duties of clerk. chosen and qualified in his stead. It shall be the duty of the clerk to attend said council when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other duties in said capacity as said council may require; and he shall receive such compensation for his services as the city council may determine. In case of a vacancy by death, resignation or otherwise, in the office of clerk, the council may choose by ballot a clerk to fill such vacancy. In the absence of the clerk, a clerk *pro tempore* may be chosen. Said council, for cause, may remove the clerk at any time.

Vacancy.

Vacancies in board of aldermen.

SECTION 17. Whenever it shall appear to the board of aldermen that there is a vacancy, by removal from the city, or by death, resignation or any other cause, in the board of aldermen or common council, it shall be the duty of the board of aldermen to issue their warrant in due form to fill all such vacancies in either of said boards, and the same proceedings shall be had, and adjournments if necessary, as are herein before prescribed for the annual meeting for the election of aldermen and common councilmen; and the person elected to fill such vacancy shall be sworn to the faithful discharge of the duties of his office, and may serve for the unexpired term for which the member whose place he fills was to have held office. But in case of a vacancy in the common council, such warrant shall not be issued until the board of aldermen receive notice thereof from said council.

—in the common council.

Aldermen and councilmen not qualified at organization of city council, may be qualified subsequently.

SECTION 18. Any person chosen a member of the board of aldermen, or of the common council, who shall not be qualified at the organization of the city council on the first Monday of January, or who, after said organization, shall be elected to fill a vacancy in either of said boards, may be qualified at any time thereafter by the mayor, in presence of the board of aldermen.

Record of proceedings, &c.

SECTION 19. Each board shall keep a record of its own proceedings, and judge of the elections of its own members.

If mayor is not chosen, aldermen and councilmen to be sworn and choose separate presiding officers.

SECTION 20. Whenever, on examination by the board of aldermen of the returns of ballots given for mayor at the meetings of the wards holden for the purpose of electing that officer, last preceding the first Monday of January in each year, no person shall appear to be chosen, the board of aldermen by whom such examination is made shall make a record of that fact, an attested copy of which the city clerk shall read in the presence of the persons returned to serve as aldermen and common councilmen, at the opening of the convention to be held on the first Monday in January in each year, and the oath or affirmation prescribed by this

act may then be administered to the members elect. The two bodies shall then separate, and the board of aldermen may proceed to elect a chairman as provided in section fifteen, and the common council a president and clerk as herein before provided, and proceed to business; and the board of aldermen shall forthwith issue their warrants in due form for a meeting of the citizens of the respective wards for a choice of a mayor, and the same proceedings shall be had in all respects as are herein before prescribed for the choice of mayor, and shall be repeated from time to time until a mayor shall be chosen and shall accept said office; and the oath of office may at any time thereafter, in convention of the two branches of the city council, be administered to the mayor by the city clerk, or by any justice of the peace for the county of Bristol; and the two branches shall meet in convention for that purpose, whenever the mayor elect may signify to them his readiness to be qualified.

Aldermen to
issue new war-
rant for election
of mayor.

SECTION 21. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and common council shall respectively by vote declare that a vacancy exists in said office, and the cause thereof, whereupon the board of aldermen shall issue their warrants in due form for the election of a mayor, and the same proceedings shall be had as are herein before provided for the choice of mayor; and the mayor thus elected shall hold his office during the remainder of the year, and until another is chosen and qualified in his stead.

When office of
mayor is vacant
aldermen to
order new elec-
tion.

SECTION 22. The mayor shall be the chief executive officer of said city. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be duly executed and enforced, and to exercise a general supervision over the conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty, and as far as in his power, cause all negligence, carelessness and violation of duty, to be duly prosecuted and punished; and whenever in his judgment the good of the city may require it, he may call meetings of the board of aldermen and common council, or either of said boards, by causing written notices to be left at the place of residence of each member of the board or boards to be convened, or delivered to them in person, although the meeting of said boards, or either of them, may stand adjourned to a more distant day; and he shall perform such other duties as the city council may legally and reasonably require. The mayor, from time to time, shall communicate to both branches of the city council, all such.

Mayor, powers
and duties de-
fined.

information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, government and ornament of the city. He shall, when present, preside in the board of aldermen and in convention of the two branches of the city council, and shall in all cases have a casting vote, except in the election of officers by joint ballot in convention of the two branches of the city council.

Compensation
of mayor, alder-
men and com-
mon council-
men.

SECTION 23. The mayor shall receive one thousand dollars, and the aldermen one hundred dollars each, and the common councilmen fifty dollars each per annum for their respective services until otherwise determined by the city council; but the amount of such compensation shall not be increased nor diminished during the term for which each shall respectively have been elected, nor after the thirtieth day of November of any year; and no committee, joint or special, shall receive any compensation.

Committees not
to be compen-
sated.
Sittings to be
public.

SECTION 24. All sittings of the mayor and aldermen, of the common council and of the city council shall be public when they are not engaged in executive business.

General execu-
tive powers
vested in mayor
and aldermen.

SECTION 25. The executive power of said city generally, together with the administration of the police and all the powers vested in the selectmen of towns by the laws of the Commonwealth shall be, and hereby are, vested in the mayor and aldermen as fully and amply as if the same were herein specially enumerated, and the mayor and aldermen shall have full and exclusive power and authority to appoint a city marshal and such number of assistant marshals, constables and police officers, as they shall deem expedient, and the same to remove at pleasure. The mayor and aldermen may require any person who may be elected or appointed marshal, or constable of the city to give bonds for the faithful discharge of the duties of his office, with such security, and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Constables and
police officers.

Powers to be
exercised by
concurrent
vote.

SECTION 26. All other powers vested in the inhabitants of towns in this Commonwealth, and all powers granted by this act, shall be vested in the mayor, aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a city clerk, a city treasurer, assessors of taxes, collector of taxes, auditor, city solicitor, city physician, engineers of fire department,

What officers
elected by joint
ballot.

one or more surveyors of highways, superintendent of the poor and overseers of the poor, and shall, in such manner as the said city council may determine by ordinance made for the purpose, elect all other officers necessary for the good government, peace and health of the city not herein otherwise directed, who shall hold their offices for the term of one year from the first day of February of each year, and until their successors shall be chosen and qualified: *provided*, Proviso. however, that any officer elected by the city council may be removed at any time by said council, for sufficient cause; and in case of the death, resignation or removal of any officer elected by the city council, his place may be filled in the manner provided in this section for the election of city officers, and any person so elected shall hold office only for the unexpired term of the person who has ceased to hold office.

SECTION 27. The city clerk, elected as herein before provided, shall be sworn to the faithful discharge of the duties of his office, and shall hold the same for one year, and until a successor is chosen and qualified in his stead, but may at any time be removed by the city council. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him, and shall deliver over all journals, records, papers and documents, and other things intrusted to him as city clerk to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereunto required by the city council. He shall also perform all the duties, and exercise all the powers by law incumbent upon, or vested in clerks of towns in this Commonwealth. City clerk to be sworn.

SECTION 28. The city clerk shall also be clerk of the board of aldermen; it shall be his duty to attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; he shall engross all the ordinances passed by the city council in a book provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances; and shall perform such other duties as shall be prescribed by the board of aldermen. —duties of.

SECTION 29. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a city clerk *pro tempore*. —to be clerk of board of aldermen, &c.

SECTION 30. The city council as soon as convenient after the acceptance of this act, shall elect by joint ballot, in convention, three persons to be assessors of taxes, one to serve City clerk pro tempore.

Assessors of taxes, how to be elected, &c.

until the first day of February in the year eighteen hundred and seventy, one to serve until the first day of February in the year eighteen hundred and seventy-one, and one to serve until the first day of February in the year eighteen hundred and seventy-two, and until their successors respectively are chosen and qualified. In each succeeding year, and as soon after the organization of the city council as may be convenient, said council shall elect by joint ballot, in convention, one assessor of taxes, who shall hold his office for the term of three years, from the first day of February in said year, and until his successor is chosen and qualified. The assessors thus chosen shall constitute the board of assessors for the city, and shall exercise the power and be subject to the duties and liabilities of assessors of towns in this Commonwealth, and shall be sworn to the faithful performance of the duties of their office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

—to be sworn.

Collection of taxes.

Proviso.

School committee, how chosen.

SECTION 31. The board of school committee for the city of Fall River shall consist of such number of persons, divisible by three, as the city council, by ordinance, shall determine, and shall be chosen by said council by joint ballot in convention, and shall hold their office for the term of three years from the first Monday of January following their election. One-third of said committee shall be chosen annually in the month of December, who, together with the members of the committee whose term of office shall not expire on said first Monday of January, shall have the general charge and superintendence of the public schools of said city.

Overseers of the poor, of whom to consist and how chosen.

SECTION 32. The city council, in the month of May of the present year, and annually thereafter in the month of January, shall elect by joint ballot in convention, one alderman and two common councilmen, residents of different wards, as overseers of the poor; and the persons thus chosen shall, with the mayor and president of the common council, constitute the board of overseers of the poor and directors of the almshouse of said city; and shall have all the powers and be subject to all the duties belonging to and incumbent upon overseers of the poor and directors of almshouses in towns in this Commonwealth. The mayor shall, *ex officio*, be chairman of said board.

Mayor to be chairman of board.

Compensation of officers to be fixed by city council.

SECTION 33. The city council shall fix the compensation of all officers, and shall define their duties, so far as the same are not determined by the laws of the Commonwealth.

SECTION 34. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination, within one month from the time of such rejection.

Appointments by mayor, subject to confirmation by aldermen.

SECTION 35. No person holding the office of alderman or common councilman shall, at the same time, hold any office of emolument, the salary of which is paid from the treasury of the city; and the acceptance of any such office by any member of the board of aldermen or common council shall be deemed, and taken to be, a resignation of their seat in said board; and the place so vacated shall be filled as herein before provided for vacancies in either of said boards.

Aldermen and councilmen not to hold city office of emolument.

Acceptance of such office to vacate seat of member.

SECTION 36. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it; and the city council shall, as often as once a year, cause to be published for the use of the inhabitants of the city a particular account of receipts and expenditures, and a schedule of city property and the city debts.

Money not to be paid from treasury unless appropriated.

Public buildings and property.

Account of receipts and expenditures to be published.

SECTION 37. The city council may, by ordinance, establish a fire department, to consist of a chief engineer and so many assistant-engineers, and so many enginemen, hosemen and hook and ladder men as the city council shall from time to time deem the interest of the city may require; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal of any officer or member of said department, to make such requisitions in respect to their qualifications and period of service, to define their offices and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government as they shall deem expedient: *provided*, that the appointment of enginemen, hosemen and hook and ladder men shall be made by the mayor and alder-

Fire department, of whom to consist and how appointed.

Powers of engineers. men exclusively. The engineers of the department shall have all the powers and authority in regard to the prevention and extinguishment of fires and the performance of the other offices and duties incumbent upon firewards, as are vested in and conferred upon firewards and engineers of fire departments by the statutes of the Commonwealth. They shall also have authority, in compliance with any ordinance of said city, to raze or demolish any building, wall or erection which, by reason of fire or any other cause, may become dangerous to human life or health, or tend to extend conflagration. The city council of said city may, by ordinance, make regulations concerning the management of fires and the conduct of all persons attending or present thereat, the removal and protection of property, for the examination of any buildings or places where combustible materials or substances are supposed to be kept or deposited, and to require and enforce the removal of such materials or substances at the expense of the person or persons on whose premises the same shall be found, and the adoption of suitable safeguards against fires and the loss or destruction of property thereat.

Regulations for management of fires may be prescribed by ordinance.

Reservoirs, engines, &c.

Said city council may construct reservoirs for water, procure land, buildings, furniture, engines and such other apparatus as may be necessary for the purposes of the fire department, and provide for the use, control and preservation thereof. The city council may appropriate and expend such sums of money for the relief of firemen disabled in the service of the city, and for the relief of the families of firemen killed in the performance of their duty, as they may deem just and proper.

Relief of disabled firemen.

List of jurors, how prepared.

SECTION 38. The list of jurors shall be prepared by the mayor and aldermen in the manner now required of selectmen of towns, and the list shall be submitted to the common council for concurrent action or amendment. The mayor, aldermen and city clerk shall have and exercise all the powers and duties in regard to drawing jurors, and other matters relating thereto, as are vested in and required of selectmen and clerks of towns in this Commonwealth. Venires for jurors to be returned from said city shall be served on the mayor and aldermen.

Venires for jurors.

Sidewalks.

SECTION 39. The city council shall have power to lay out sidewalks and establish the width, height and grade of the same in such streets, lanes and avenues of the city as they shall deem the public convenience may require. They are authorized to construct said sidewalks with edge stones, and to cover the same with brick, flat stones or other appropriate material, and may assess the abutters on said sidewalks one-

half the expense thereof, which assessment shall constitute a lien upon the abutting lots of land, and may be collected in the same manner as taxes on real estate are collected; and such sidewalks, when constructed and covered as aforesaid, shall afterwards be maintained and kept in repair by the city. No sidewalk constructed in conformity with the provisions of this act shall be dug up or obstructed in any part thereof, without the consent of the mayor and aldermen.

SECTION 40. The said council are hereby authorized to cause the streets, lanes and avenues of the city to be lighted, and for that purpose may erect posts, and construct lamps, lay gas pipes or other apparatus in said streets, lanes and avenues, and do such other things as may be necessary to carry into effect said purpose.

Lighting the streets.

SECTION 41. They shall also have power to establish fire districts within said city, and from time to time change or enlarge the same; and they shall have power to regulate the construction of all buildings to be erected within said fire districts, stipulating their location, sizes and the material of which they shall be constructed, together with such other rules and regulations as shall tend to secure the same from fire. They shall have authority to cause balustrades or other suitable devices to be placed upon the roofs of buildings, to prevent the falling of snow and ice from the same into the streets or on the sidewalks thereof.

Fire districts.

Construction of buildings may be regulated.

SECTION 42. The city council may make ordinances with suitable penalties, for the inspection and survey, measurement and sale of lumber, wood, coal, bark, hay and straw brought into or exposed in the city for sale.

Inspection, &c., of lumber, coal, hay, &c.

SECTION 43. The city council shall have power within said city, to make, establish, modify, amend or repeal ordinances, rules, regulations and by-laws, subject to the provisions of this act, and not inconsistent therewith, or with the laws of the Commonwealth, and to annex penalties, not exceeding twenty dollars, for the breach thereof, for the following purposes: to manage and regulate the finances and property, real and personal, of the city; to establish, maintain and regulate a day and night police; to license and regulate cartmen, truck owners and drivers, carriages and vehicles used for the transportation of passengers or merchandise, goods or articles of any kind and assign stands for the same, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in either of such capacities; to license and regulate street peddling; to license and regulate intelligence offices, dealers in junk and old metals and second-hand articles, and pawn-

Ordinances and by-laws.

Day and night police.
License of trucks and carriages.

—street peddlers and second-hand dealers.

—of inn-hold-
ers.

Cattle, &c.,
running at
large.

Nuisances.

Horse-racing
and fast driv-
ing.

Bathing in
waters of the
city.
Burial of the
dead.

Gunpowder and
other danger-
ous articles.

Disorderly
houses.

Immoral exhi-
bitions.

Ornamental
and shade
trees.

brokers; to license inn-holders, common victuallers, restaur-
ants, saloons, billiard rooms, and bowling alleys; to prescribe
the places for selling hay, straw, wood and other articles from
wagons or other vehicles; to restrain and regulate the run-
ning at large of cattle, horses, swine or other animals, and
to authorize and regulate the impounding and sale of the
same for the penalty incurred and costs of proceedings; to
regulate or prohibit the keeping of cows, swine and other
animals; to prohibit and abate all nuisances; to regulate or
prohibit the flying of kites, or any other practises having a
tendency to frighten animals, or to annoy persons passing
in the streets or on the sidewalks in said city; to prevent
horse-racing, and immoderate driving in the streets, lanes or
avenues of said city, and to authorize the stopping of any
one who shall be guilty of so doing; to regulate or prohibit
the swimming or bathing in the waters of the city; to regu-
late the burial of the dead, prohibit interments within such
limits as said city council may prescribe, purchase lands for
public burial places, direct the keeping, and returning of
bills of mortality, and to establish such regulations for the
conveying the dead through the streets of said city, as the
health, quiet and order of the city may in their opinion re-
quire; to prohibit or regulate the keeping within, or convey-
ing through the streets of the city, gunpowder, earth or rock
oil, benzole, benzine, naphtha, kerosene, camphene, nitro-
glycerine, or burning fluids of any kind, and other danger-
ous articles, and to provide for the inspection of the same by
an inspector appointed by them, and in case of violation of
the ordinance regulating the same to provide for the for-
feiture thereof, and as to the use of candles or lights in
stables, barns, or other buildings; to suppress and restrain
disorderly houses, and houses of ill-fame, gaming tables, the
playing of cards, or games of chance; to destroy all instru-
ments or devices employed in gaming, and to restrain and
punish vagrants, mendicants, street beggars, idlers and
loungers in the streets and on street corners, common pro-
stitutes and night-walkers; to arrest truants from school
and punish the same; to prohibit, regulate or license the
exhibitions of common showmen, or of curiosities; to pro-
hibit exhibitions tending to create or encourage idleness or
immorality; to prevent and remove obstructions and incum-
brances in and upon the streets, or sidewalks, lanes, avenues,
parks, commons, or other public places in the city; to direct
and regulate the planting, rearing, trimming and preserving
of ornamental and shade trees and shrubs in the streets,

parks and grounds of the city; to enforce the removal of snow, or ice or dirt from the sidewalks by the person or persons owning or occupying the premises fronting thereon, at the expense of said person or persons; to prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, descent into a cellar or basement, sign, or post, or erection, or any projection from any building or otherwise, in, over or upon any street, or sidewalk, lane or avenue in the city, or the removal of any house or other building through the same; to regulate the construction of chimneys, and prevent the setting up or construction of stoves, boilers or other things in such manner as to be dangerous; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fire-works, or fire-arms, or building of bonfires in said city; to require all such further or other acts to be done, and to regulate or prohibit the doing of such further or other acts as they may deem proper to prevent the occurrence, and to provide for the extinguishment of fires in said city; to estimate and determine what amount of money may be raised to defray the annual current expenditures of the city, and to adopt all legal and necessary measures for levying and collecting the same. The city council shall also have power to make, establish, modify and amend all such other ordinances, rules, regulations or by-laws not contrary to or conflicting with the laws of this state or the United States, as they may deem necessary to carry into effect the powers conferred on it by this act, or by any other law of this Commonwealth; and such as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants; which ordinances, rules, regulations and by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction or confirmation of any court or other authority whatever: *provided*, that all such by-laws or ordinances shall be presented to the mayor for his approval, which, if he approve, he shall sign; if not, he shall return to the city council, with his objections, for a reviewal, within one week; and if again passed by a majority of each board, it shall become a law; and *provided, also*, that all by-laws, regulations and ordinances now in force in the city of Fall River not inconsistent with this act, shall, until they expire by their own limitation, or be revised or repealed by the city council, remain in force;

Ice on sidewalks.

Projecting signs.

Construction of chimneys and boilers.

Fire-works.

Ordinances and by-laws.

Provisos.

and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

Drains and
common sew-
ers.

SECTION 44. The mayor and aldermen, with the concurrent vote of the common council, shall have the power, whenever they shall adjudge it to be necessary for the public convenience or the public health, to cause drains or common sewers to be laid through any street or private lands, and may repair the same whenever necessary, and shall pay the owners of such lands such damages as they may sustain by the laying or repairing of said drains or common sewers; and all such drains or common sewers shall be the property of the city. Every person who enters his particular drain into such drain or common sewer, or who in any way receives benefit thereby for draining his cellar or lands, or the owner or owners of land abutting on said drain or common sewer, shall pay the city a proportionate part of the expenses of making and repairing the same, not exceeding one-half of the cost thereof, to be ascertained, assessed and certified by said aldermen; and notice thereof shall be given to the party to be charged or to the occupant of the premises; and said aldermen may require that private drains shall be conducted into the public drain or common sewer, in any case in which the city council shall judge the same necessary or proper for the cleanliness or health of the city.

Private drains.

Laying out,
altering and
grading streets.

SECTION 45. The mayor and aldermen, with the concurrent vote of the common council, shall have exclusive power to lay out, alter and fix the grade of, or discontinue, any street, sidewalk or town way, and to estimate the damages any individual may sustain thereby; and any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Bristol, at any meeting held within one year after such decision, whereupon the same proceedings shall be had, as are now by law provided in cases wherein persons are aggrieved by the assessment of damages by the selectmen or the inhabitants of towns.

Damages.

Board of
health.

SECTION 46. All power and authority now vested by law in the board of health for towns, or in the selectmen thereof, shall be vested in the city council, to be by them exercised in such manner as they may deem expedient, and the city council may constitute either branch or any committee of their number, whether joint or separate, the board of health for all, or for particular purposes.

Representa-
tives to the
general court.

SECTION 47. The mayor and aldermen shall, in each year, issue their warrants for calling meetings for the election of the whole number of representatives to the general court,

to which the said city is by law entitled, and the number shall be specified in the warrants.

SECTION 48. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for such officers respectively, shall be assorted, counted and declared by the warden, and registered in open meeting, by causing the names of all persons voted for, and number of votes given for each, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns; and in all elections for representatives to the general court, in case the whole number proposed to be elected shall not be legally chosen, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

Elections, how to be held and conducted.

SECTION 49. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all city officers; and they shall deliver the said lists, so prepared and corrected, to the clerks of the wards, to be used at such elections, and copies of the list for each ward shall be posted up in not less than three public places in said ward, at least seven days prior to such elections; and no person shall be entitled to vote in any ward whose name is not borne upon the list for that ward: *provided*, that any person whom the mayor and aldermen have decided to be a voter, and whose name shall not be borne on the list of the ward in which he claims the right to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at any time thereafter and before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk, setting forth

List of voters in the several wards to be delivered to ward clerks to be used at elections.

Persons not entitled to vote unless names are on list. *Proviso.*

that the mayor and aldermen have decided that he is a voter.

General meetings of citizens may be called upon request of fifty voters.

SECTION 50. General meetings of the citizens qualified to vote may from time to time be held, to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth; and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters.

Fines, forfeitures and penalties for breach of by-laws and ordinances.

SECTION 51. All fines, forfeitures and penalties accruing for the breach of any by-law or ordinance of the city council may be prosecuted for and recovered before the police court of the said city of Fall River by complaint or information in the same manner in which other criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted the right of appeal to the superior court then next to be held in the county of Bristol, from the judgment and sentence of the police court; and the appeal shall be allowed on the same terms, and the proceeding shall be conducted therein in the same manner as provided in the statutes of this Commonwealth; and it shall be sufficient, in all such prosecutions, to set forth in the complaint the offence, fully, plainly, substantially and formally; and shall not be necessary to set forth such by-law or ordinance or any part thereof. All fines, forfeitures and penalties, recovered and paid, shall be paid to the treasurer of the city of Fall River, and shall inure to such uses as the city council shall direct. When any person, upon any conviction before the police court for the breach of any by-law or ordinance of the city council, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law or ordinance, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and then to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the meantime to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture and costs so assessed upon him, he shall be committed to prison, there to remain until he shall pay such fine, forfeiture or penalty, and costs, or be otherwise discharged according to law.

Repeal.

Provisos.

SECTION 52. All such acts and parts of acts as are inconsistent with the provisions of this act shall be, and the same are, hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right

accruing or accrued, or established, or any suit or proceeding had, or commenced in any civil case, before the time when such repeal shall take effect. And that no offence committed, and no penalty or forfeiture incurred, under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal. And that no suit or prosecution pending at the time of said repeal for any offence committed, or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and *provided, also*, that all persons who at the time when said repeal shall take effect shall hold any office under the said acts shall continue to hold the same for the time for which they were severally elected.

SECTION 53. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient, and no act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section.

Charter may be amended by legislature.

SECTION 54. This act shall be void unless a majority of the voters of the city of Fall River, present and voting thereon, at a legal meeting called for that purpose, by a written vote, determine to adopt the same; and the qualified voters of the city shall be called upon to give in their votes upon the acceptance of this act, at meetings in the various wards, duly warned by the mayor and aldermen, to be held within fourteen days after the passage of this act; and thereupon the same proceedings shall be had respecting the sorting, counting, declaring, recording and returns of said votes as is herein provided at the election of mayor; and the mayor and aldermen shall, within two days after said meeting, meet together and compare the returns of the ward officers; and if it appears that the citizens have voted to adopt this act, the mayor shall immediately make proclamation of the fact, and thereupon this act shall take effect and be in full force.

Charter to be submitted to the voters of Fall River.

Approved May 7, 1869.

AN ACT TO AID IN THE PRESERVATION OF BIRDS, BIRDS' EGGS AND DEER.

Chap. 246

Be it enacted, &c., as follows:

SECTION 1. Whoever, between the first day of January and the fifteenth day of August, takes or kills any woodcock, or between the first day of February and the first day of September, takes any ruffed grouse or partridges, or within the respective times aforesaid, sells, buys or has in his possession any of said birds so taken or killed in this Common-

Woodcock and partridges not to be killed at certain times, under penalty.

wealth or elsewhere, shall forfeit for every such bird twenty-five dollars.

Quail not to be killed at certain times, under penalty.

SECTION 2. Whoever, between the first day of April, eighteen hundred and sixty-nine, and the first day of November, eighteen hundred and seventy-two, takes or kills any of the birds known as quail or Virginia partridge, in any way whatsoever, shall forfeit for every such bird the sum of twenty-five dollars. And whoever shall, after the first day of November, eighteen hundred and seventy-two, take or kill any of said birds, except in the months of November and December annually, shall forfeit for every such bird the sum of twenty-five dollars.

Pinnated grouse or heath hens.

SECTION 3. Whoever, at any season of the year, within this state, takes or kills any of the birds called pinnated grouse or heath hens, or sells, buys, or has in his possession any of said birds so killed or taken, shall forfeit for every such bird twenty-five dollars.

Penalty.

Marsh birds, upland plover.

SECTION 4. Whoever, between the first day of March and the first day of July, takes or kills any marsh birds or upland plover, within this state, shall forfeit for every such bird twenty-five dollars.

Penalty.

Fresh water fowl.

SECTION 5. Whoever, between the first day of March and the first day of September, takes or kills any fresh water fowl, shall forfeit for every such bird twenty-five dollars.

Penalty.

Fresh water or sea fowl not to be killed on feeding or roosting grounds.

SECTION 6. Whoever, at any season of the year, within this state, kills any fresh water fowl or sea fowl, either upon the feeding or roosting grounds of said fowl, shooting from any vessel, boat or craft, or chases or pursues and captures said fowl upon or from their feeding or roosting grounds, in any boat or vessel of any kind whatever, shall forfeit for every such bird so taken or killed twenty-five dollars.

Penalty.

Penalty for killing other undomesticated birds, except snipe, hawks, &c.

SECTION 7. Whoever, at any season of the year, takes or kills any undomesticated bird not heretofore mentioned in this act, except snipe, hawks, owls, crows, jays and gulls, or destroys or disturbs the eggs or nests of such undomesticated birds, except the nests or eggs of snipe, hawks, owls, crows, jays and gulls, shall forfeit twenty-five dollars for each offence: *provided*, that any person, having first obtained the written consent of the mayor and aldermen of any city or selectmen of any town, may, in such city or town, take or destroy, for scientific purposes only, such birds and eggs as said written consent may specify.

Proviso.

Deer not to be killed until Dec. 15, 1872.

SECTION 8. Whoever, between the first day of April, eighteen hundred and sixty-nine, and the fifteenth day of December, eighteen hundred and seventy-two, and thereafter between the fifteenth day of December and the first day of

September, takes or kills any deer, except his own tame deer kept on his own grounds, shall forfeit for every such offence twenty-five dollars.

SECTION 9. The mayor and aldermen and selectmen of the several cities and towns of this Commonwealth shall cause the provisions of the preceding sections to be enforced in their respective places; and all forfeitures accruing under these sections shall be paid, two-thirds to the informant or prosecutor, and one-third to the city or town where the offence is committed.

Municipal
authorities to
enforce law.

Forfeitures,
how disposed
of.

SECTION 10. Chapter eighty-two of the General Statutes, and chapters forty-six and one hundred and fifty-eight of the acts of the year eighteen hundred and sixty-five, chapter two hundred and fifty-seven, and chapter one hundred and twenty-five, of the acts of the year eighteen hundred and sixty-seven, and chapters one hundred and twenty-six, one hundred and fifty-eight, and one hundred and sixty-one, of the year eighteen hundred and sixty-eight, are hereby repealed.

Repeal.

Approved May 10, 1869.

AN ACT IN ADDITION TO AN ACT IN RELATION TO THE POWERS OF
CONSTABLES IN THE CITY OF BOSTON.

Chap. 247

Be it enacted, &c., as follows:

SECTION 1. Any constable of the city of Boston who shall have complied with the provisions of section one, of chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty, may, within said city of Boston, serve any writ or other process in any personal action in which the damages are not laid at a greater sum than three hundred dollars, and any process in replevin in which the subject-matter does not exceed in value three hundred dollars.

Any constable
of Boston may
serve process in
personal action
where damages
are not laid ex-
ceeding three
hundred dol-
lars.

SECTION 2. This act shall take effect on the first day of June next.

When to take
effect.

Approved May 10, 1869.

AN ACT IN RELATION TO THE CHOICE OF TRUSTEES OF FUNDS HELD
BY RELIGIOUS SOCIETIES.

Chap. 248

Be it enacted, &c., as follows:

SECTION 1. Section twenty-five of chapter thirty of the General Statutes is hereby amended by striking out the words, "with power to fill vacancies for an unexpired term occurring in their board," and by inserting instead thereof the words, "in case of a vacancy, by death or otherwise, the parish may fill such vacancy at its next annual meeting, or at a special meeting called for that purpose;" and by striking out the words "five years," and inserting in place thereof the words "three years."

Amendment to
G. S. 30, § 25.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 249 AN ACT PROVIDING FOR THE SALE OF WOOD AND TIMBER STANDING ON LAND HELD IN DOWER AND OTHERWISE.

Be it enacted, &c., as follows :

Probate court may appoint trustee to cut and sell wood and timber from land held in dower or for life.

Proceeds of sale, how to be disposed of.

SECTION 1. The probate court, when it appears that the wood and timber standing on land held in dower, or on land the use and improvement of which belongs, for life or otherwise, to any person other than the owner of the fee therein, has ceased to improve by growth, or for any cause ought to be cut, may appoint a trustee, and authorize and empower him to sell and convey said wood and timber, in the way and manner provided by law for the sale of real estate by guardians, to be cut and carried away within the time to be limited in the order of sale, and to hold and invest the proceeds thereof, after paying the expenses of such sale therefrom, and pay over the income, above the taxes and other expenses of the trust, to the person entitled to such dower, or right to the use and improvement, while the same continues ; and at the expiration of such dower or right to the use and improvement, to pay the principal sum to the owner of such land. When said wood and timber has been cut off, as aforesaid, no more wood or timber shall be cut on such land by the person entitled to such dower, or use and improvement, without permission from said court.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 250 AN ACT IN ADDITION TO AN ACT CONCERNING DOGS.

Be it enacted, &c., as follows :

Unexpended moneys received for taxes on dogs to be applied for benefit of public libraries or schools.

In Suffolk County, how disposed of.

SECTION 1. Moneys received by the treasurer of any county under the provisions of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven, and not expended in the payment of damages done by dogs, in accordance with the provisions of said act, shall be paid back to the treasurers of the several cities and towns of said county, in the month of January of each year, in proportion to the amount paid by said city or town to said county treasurer ; and the money so refunded shall be expended for the support of public libraries or schools, in addition to the amount annually appropriated by said city or town for those purposes. In the county of Suffolk, moneys received by any treasurer of a city or town under the provisions of said act, and not expended in accordance with the provisions of the same, shall be appropriated by the school committee of said city or town for the support of the public schools therein established.

SECTION 2. The last clause of section twelve of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT TO AMEND CHAPTER SEVENTY-ONE OF THE GENERAL STATUTES, RELATING TO ALIEN PASSENGERS.

Chap. 251

Be it enacted, &c., as follows:

SECTION 1. Vessels bringing passengers to any port in this Commonwealth shall be under the supervision of the general agent of state charities, acting as superintendent of alien passengers for the port of Boston, who shall enforce in regard to such vessels and the passengers brought therein all the provisions of law concerning the introduction of strangers and aliens by sea into this Commonwealth; and for this purpose the officers authorized by section eleven of chapter seventy-one of the General Statutes, shall be appointed and commissioned by the general agent of state charities, and shall be deemed his deputies, and each deputy shall receive a compensation for his services, to be fixed by said agent, such compensation not to exceed the amount of alien passenger money received by such deputy.

Alien passengers, &c., to be under supervision of general agent of board of state charities.

Deputies, appointment and compensation.

SECTION 2. The deputies shall, at the close of each month, make a detailed report to the board of state charities, through its general agent, giving the name of each vessel arriving, the number, names and description of the passengers brought, the numbers respectively for whom commutation was accepted or refused, and such other information in relation thereto, as may be required by him, and they shall further give bond for the faithful performance of their duties, in such sum as he may require. The compensation of the said deputies shall be paid from the appropriation of the general agent, and all fees for commutation collected by them shall be paid over monthly to the said agent, who shall account for the same to the treasurer in the manner now provided by law.

Deputies to make monthly reports.

—to be paid from appropriation of general agent.

SECTION 3. The general agent shall institute prosecutions for the violation of any provisions of the laws concerning the introduction of aliens and strangers by sea into this Commonwealth, and for this purpose may employ counsel when necessary; but whenever such violation shall appear to him to have occurred without intent, he may commute the forfeiture for a sum not less than fifty dollars, the attorney-general advising thereto.

General agent to make prosecutions, and may employ counsel.

—may commute forfeitures, with advice of attorney-general.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 252**AN ACT CONCERNING COMMON CARRIERS OF GOODS.***Be it enacted, &c., as follows :*

Common carriers to forward property offered for transportation by other common carriers.

SECTION 1. Every person, company, association or corporation that is a common carrier of merchandise or other property, shall receive, forward and transport all property offered or tendered to them for transportation by other persons, companies, associations or corporations who are common carriers of merchandise or other property, as promptly, faithfully and impartially, at as low rates of charges, and in a manner, and on terms and conditions as favorable to the party offering or tendering the property, as the common carrier to whom the tender is made is, on the day and at the place of the tender, receiving, forwarding and transporting in the ordinary course of business, property of a like description received from individuals in person. And no such person or company to whom property is so tendered for transportation, shall discriminate against any particular person or company, or subject them to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and the supreme judicial court, or any justice thereof, in term time or vacation, shall have power as a court of equity to enforce the provisions of this section by injunction or other suitable process.

—not to discriminate between parties offering property for transportation.

S. J. C. may enforce these provisions.

Penalty, and how recovered.

SECTION 2. Every such person, company, association or corporation who shall wilfully neglect or refuse to comply with the foregoing provisions, shall forfeit for every offence not less than fifty nor more than five hundred dollars, to be recovered in an action of tort by the person, company, association or corporation tendering the property for transportation.

Approved May 10, 1869.

Chap. 253**AN ACT FIXING THE TIMES AND PLACES OF HOLDING THE PROBATE COURTS IN THE COUNTY OF WORCESTER.***Be it enacted, &c., as follows :*

Probate courts in Milford and Barre.

SECTION 1. After the first day of July next, the terms of the probate court for the county of Worcester, shall be held at Worcester, on the first and third Tuesdays of every month except August; at Fitchburg, on the fourth Tuesdays of April and September; at Milford, on the second Tuesdays of April and September; at Templeton, on the second Tuesdays of May and October, and at Barre on the Wednesdays next after the second Tuesdays of May and October in each year, instead of the times and places now provided by law.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT AUTHORIZING THE APPOINTMENT OF TWO ADDITIONAL TRIAL JUSTICES IN THE COUNTY OF HAMPSHIRE. *Chap. 254*

Be it enacted, &c., as follows :

SECTION 1. Section thirty-four of chapter one hundred and twenty of the General Statutes is hereby amended by striking out the word eight in the fifth line of said section, and inserting the word ten. Amendment to
G. S. 120, § 34.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT AUTHORIZING THE EXPENDITURE OF MONEY FOR EDUCATIONAL PURPOSES IN THE STATE PRISON. *Chap. 255*

Be it enacted, &c., as follows :

The warden and inspectors of the state prison are hereby authorized to expend from the appropriation made for the support of said prison, a sum not exceeding one thousand dollars per annum, in furnishing suitable instruction in reading, writing, and such other branches of education as they may deem expedient, to such of the convicts as may be benefited thereby and are desirous of receiving the same. \$1,000 may be
expended by
warden and
inspectors for
educational
purposes.

Approved May 10, 1869.

AN ACT TO AMEND SECTION EIGHT OF CHAPTER THREE HUNDRED AND FORTY-TWO, OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN, RELATING TO THE WIDENING OF A BRIDGE IN CHELSEA, BY THE EASTERN RAILROAD COMPANY. *Chap. 256*

Be it enacted, &c., as follows :

SECTION 1. Section eight of chapter three hundred and forty-two of the acts of the year eighteen hundred and sixty-seven, is hereby so amended, that the Eastern Railroad Company is required to complete the widening of the bridge on the Salem turnpike road, in the city of Chelsea, as provided in said section, by the first day of October next. Eastern Rail-
road Co. to com-
plete widening
bridge in Chel-
sea by Oct. 1,
1869.

SECTION 2. If upon the completing of said widening in the manner prescribed in the chapter aforesaid, either the Boston and Albany Railroad Company, as successors and assigns of the Boston and Worcester Railroad Company, or the Boston and Chelsea Railroad Company, shall, upon demand by the Eastern Railroad Company, refuse or neglect to pay their proportion of the expense of the widening of said bridge, as provided in said chapter, the Eastern Railroad Company may recover of such delinquent company such proportion of such expense with costs, in an action of contract in the supreme judicial court in the county of Suffolk, and if the defendants therein shall fail to pay to the plaintiffs, on demand, the amount of the judgment in such suits, the said court shall, on application of the plaintiffs, grant an

—may recover
of Boston and
Albany, Boston
and Worcester
and Boston and
Chelsea Rail-
road Companies
their proportion
of cost of widen-
ing.

injunction to prevent said defendants, their successors and assigns, from using or running their railroad under said bridge, or upon or over said bridge, as now existing, or as it may be widened, or over any part thereof, until said judgment shall be paid, without prejudice to the other remedies of the plaintiffs.

Penalty on
Eastern Rail-
road for failure
of compliance.

SECTION 3. In case said Eastern Railroad Company shall fail to comply with the provisions of the first section of this act, it shall be subject to a fine of twenty-five dollars per day for each day's failure of compliance after the said first day of October.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 257 AN ACT TO PROVIDE FOR THE ELECTION OF TRUSTEES OF THE SINKING FUND OF THE PLYMOUTH WATER SCRIP, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Plymouth
water scrip,
sinking fund
for payment to
be established.

SECTION 1. The surplus of the net income derived from the water works of the town of Plymouth, after payment of the semi-annual interest upon the water scrip authorized to be issued by said town, by the provisions of chapter three hundred and fifty-one of the acts of the year eighteen hundred and fifty-four, and chapter sixty-one of the acts of the year eighteen hundred and fifty-five, after deducting the cost of distribution and repairs, and other expenses incident to the same, together with such sums as said town may from time to time appropriate therefor, shall be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment of said water scrip at maturity.

Trustees to be
elected.

Said town shall, at a meeting called for that purpose, elect three trustees by ballot, whose term of office shall continue until the maturity and payment of said scrip ; and in case of any vacancy occurring in said board of trustees, the town shall, at the next annual meeting, fill such vacancy by ballot.

—to manage
sinking fund,
give bonds and
serve without
pay.

SECTION 2. Said trustees shall hold, invest and manage said sinking fund, rendering to said town at each annual meeting a statement of the condition thereof ; shall severally give bonds in the sum of five thousand dollars, for the faithful performance of the duties of their trust, and shall serve without pay.

Repeal.

SECTION 3. Section five of chapter three hundred and fifty-one of the acts of the year eighteen hundred and fifty-four, is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE STATE WORKHOUSE AT BRIDGEWATER.

Chap. 258

Be it enacted, &c., as follows :

SECTION 1. Upon complaint of the overseers of the poor of any city or town, trial justices and justices of the police and municipal courts may, in their discretion, commit persons convicted before them of any of the offences enumerated in sections twenty-eight and thirty-five of chapter one hundred and sixty-five of the General Statutes, to the state workhouse at Bridgewater, for a term not less than three months nor more than two years, there to be governed and subject to the same liabilities as persons sentenced under the provisions of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and sixty-six ; or such offenders may be sentenced as now provided by law.

Persons convicted of offences mentioned in G. S. 165, §§ 28, 35, may be committed to state workhouse at Bridgewater.

SECTION 2. The board of state charities shall have the same power to apprentice or discharge any person so committed, as is now vested in overseers of houses of correction ; and they may cause any such person, not having a legal settlement within this Commonwealth, to be removed to the state or place where he belongs, or whence he came, in accordance with existing laws. But if any person so removed shall return to this state before the expiration of his term of sentence, he shall be liable to be re-arrested and returned to the state workhouse, there to serve out the remainder of said term.

Board of state charities may apprentice or discharge such persons.

—may remove them to state where they belong.

Persons returning before expiration of term of sentence may be re-committed.

SECTION 3. If any person so committed shall have a legal settlement in any city or town in this Commonwealth, the said city or town shall pay for his support such sum per week as may be fixed upon by the said board, reference being had to his capacity for labor ; and all moneys so received shall be paid into the treasury in the manner now provided by law : *provided, however*, that upon the written request of said overseers, the board of state charities shall permit him to be transferred to the workhouse of his place of settlement, where he shall serve out the remainder of his sentence.

Support to be paid for by place of settlement.

Provide.

Approved May 10, 1869.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE NEW HAVEN AND NORTHAMPTON COMPANY.

Chap. 259

Be it enacted, &c., as follows :

SECTION 1. The New Haven and Northampton Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one million five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be issued in such manner as the directors of said

\$1,500,000 additional capital stock.

Provisos.

company shall determine : *provided*, that the capital stock of said company shall not at any time exceed the actual cost of its railroad, stations and equipments ; and *provided, also*, that no shares shall be issued until the full value of each share is paid in in cash.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 260 AN ACT TO INCORPORATE THE MASSACHUSETTS CENTRAL RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Edward Denny, Joel Hayden, Francis Brigham, James S. Draper, Constance Southworth, Edward Atkinson, Francis Edson, B. H. Tripp, Charles A. Stevens, C. C. Aldrich, Lafayette Maltby, Henry F. Hills, Philo Chapin, their associates and successors, are hereby made a corporation by the name of the Massachusetts Central Railroad Company ; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or may hereafter be in force relating to railroad corporations.

Name.**Powers and duties.**

May build railroad from Williamsburg to Mill Village in Sudbury, thence over the line of Sudbury Branch Railroad to Fitchburg Railroad.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some convenient point in the town of Williamsburg, thence running by the most convenient route through the towns of Northampton, Easthampton, Westhampton, Hatfield, Hadley, South Hadley, Amherst, Granby, Ludlow, Belchertown, Enfield, Greenwich, Ware, Palmer, West Brookfield, New Braintree, Hardwick, Dana, Petersham, Barre, Phillipston, Oakham, Hubbardston, Rutland, Princeton, Holden, Sterling, Boylston, West Boylston, Clinton, Lancaster, Northborough, Berlin, Bolton, Hudson, Stow and Marlborough, or any of them, to Mill Village, in Sudbury ; thence over the line of the Wayland and Sudbury Branch Railroad Company, incorporated in the year eighteen hundred and sixty-eight, to its terminus near the Stony Brook station on the Fitchburg Railroad.

Wayland and Sudbury Branch merged in Mass. Central Railroad.

SECTION 3. The Wayland and Sudbury Branch Railroad Company is hereby consolidated with and merged in the Massachusetts Central Railroad Company hereby incorporated ; and the said Massachusetts Central Railroad Company shall have all the powers and privileges, and be subject to all the restrictions, duties and liabilities set forth in the act of incorporation of the said Wayland and Sudbury Branch Railroad Company.

SECTION 4. The Williamsburg and North Adams Railroad Company, incorporated in the year eighteen hundred and sixty-seven, and the said Massachusetts Central Railroad Company, hereby incorporated, are hereby authorized and empowered to merge and consolidate their capital stock, rights, powers, franchises and privileges of every description: *provided*, the said corporations, at meetings of their respective stockholders, duly notified, shall vote so to do. And by virtue of such merger and consolidation, all the rights, privileges and property of the said Williamsburg and North Adams Railroad Company shall vest in the Massachusetts Central Railroad Company, hereby incorporated.

Williamsburg
and N. Adams
Railroad and
Mass. Central
Railroad may
consolidate.

Proviso.

SECTION 5. The Massachusetts Central Railroad Company may enter with its road upon, unite with, and use the road of the Ware River Railroad Company; and the said Ware River Railroad Company is hereby authorized to sell, assign and convey, or lease its road and franchise, or any part thereof, to the said Massachusetts Central Railroad Company, which is hereby empowered to purchase or hire the same, or said corporations may merge and consolidate their capital stock, rights, powers and franchises of every description: *provided*, the stockholders of the said corporations, at meetings duly notified, shall vote so to do.

Ware River
Railroad may
be entered upon
or bought by
Mass. Central
Railroad.

Proviso.

SECTION 6. The Massachusetts Central Railroad Company may also enter with its road upon, unite with, and use the roads of the New Haven and Northampton Railroad Company, the Connecticut River Railroad Company, the New London Northern Railroad Company, the Worcester and Nashua Railroad Company, the Boston, Clinton and Fitchburg Railroad Company, the Lancaster and Sterling Branch Railroad Company, the Fitchburg Railroad Company, or either or any of said companies; and either of the above named corporations may enter upon, unite with, and use the road of the Massachusetts Central Railroad Company, subject to all general laws relating to railroad corporations.

Mass. Central
Railroad may
unite with New
Haven, Connect-
icut River,
New London
Northern, Wor-
cester and
Nashua and
other railroads.

SECTION 7. The towns named in the second section of this act, and also the towns of Wayland and Weston, or either of them, are hereby authorized, when so voting at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the Massachusetts Central Railroad Company, to an amount not exceeding five per centum of the assessed valuation of each of said towns respectively. And said towns may pay for said shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise, by loan upon bonds, or tax or otherwise, any and all sums of money which may be neces-

Certain towns
may take stock
in Mass. Central
Railroad.

sary to pay for the same, and may hold and dispose of the same like other town property. And the selectmen of such towns, or any agent specially chosen for that purpose, shall have authority to represent said towns respectively, at any and all meetings of the Massachusetts Central Railroad Company; and said towns so represented are hereby authorized to vote on the whole amount of the stock held by such towns respectively, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Capital stock and shares.

SECTION 8. The capital stock of the Massachusetts Central Railroad Company shall be fixed by the directors thereof, at an amount not less than three million dollars, with authority to increase the same from time to time, to an amount not exceeding six million dollars. And said stock shall be divided into shares of one hundred dollars each.

To be located in three years and constructed in six years.

SECTION 9. This act shall take effect upon its passage, and shall be void unless the said railroad be located within three years, and constructed within six years from the passage hereof.

Approved May 10, 1869.

Chap. 261

AN ACT CONCERNING THE PASSENGER STATION OF THE BOSTON AND ALBANY RAILROAD COMPANY AT NATICK, AND THE LAYING OUT OF A CROSSING AT THAT PLACE.

Be it enacted, &c., as follows :

Passenger station at Natick to be removed when county commissioners shall order.

SECTION 1. If at any time the county commissioners of the county of Middlesex shall, after due notice and hearing, adjudge that public convenience and necessity require a public carriage or foot way to be laid out across the track of the Boston and Albany Railroad at the continuation of Washington Street, so called, in Natick, the Boston and Albany Railroad Company shall remove their passenger station so as not to obstruct said way when and as said commissioners shall order.

Commissioners to determine whether crossing shall be by bridge or otherwise.

SECTION 2. Said commissioners shall determine whether said crossing shall be by a bridge or otherwise, and whether it shall be a foot or carriage way, and what proportion, if any, of the cost of said crossing shall be paid by said Boston and Albany Railroad Company, and what by said town of Natick.

Penalty on railroad upon failure to comply with requirements of commissioners.

SECTION 3. In case the said Boston and Albany Railroad Company shall fail to remove its passenger station, as required by the first section of this act, said company shall be subject for such failure or offence, to a fine of twenty-five dollars per day for each day's non-compliance, after the time fixed as aforesaid for removal.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE EXTENSION OF THE CAPE COD RAILROAD.

Chap. 262

Be it enacted, &c., as follows :

The time allowed to locate the extension of the Cape Cod Railroad through the town of Eastham to the village in Wellfleet, is hereby extended to the first day of June, in the year eighteen hundred and seventy-one; and to construct the same, to the first day of June, eighteen hundred and seventy-three.

Time for location extended.

Approved May 10, 1869.

AN ACT TO AUTHORIZE CHARLES C. PETTINGELL AND OTHERS TO CONSTRUCT A RAILWAY AND WHARF IN SALEM.

Chap. 263

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Charles C. Pettingell, Charles A. Ropes and Joseph F. Walden and their associates, to build a wharf and marine railway on land now owned by them in Salem, lying between East Garden Street and the channel of the South River, not to extend below low-water mark: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided*, further, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf and marine railway in Salem.

Subject to approval of harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT IN RELATION TO UNION PASSENGER AND FREIGHT DEPOTS IN WORCESTER.

Chap. 264

Be it enacted, &c., as follows :

SECTION 1. The Boston and Albany Railroad Company, the Norwich and Worcester Railroad Company, the Providence and Worcester Railroad Company, and the Worcester and Nashua Railroad Company, are hereby authorized to make such arrangements as shall be mutually agreed on by all the respective boards of directors of said companies for the location, establishment, construction and maintenance, by all or any one or more of said companies, both of a union passenger station or stations, for the benefit, use and accommodation of all of said companies, and of freight depots, at such point or points in the city of Worcester, as shall in the opinion of said boards, best facilitate the public convenience and the transaction of business, in the passing and inter-

Union passenger and freight depots in Worcester.

change of passengers and freight to, from and between the respective roads of said companies.

Railroad companies may take lands for depots and additional railroad tracks.

—may discontinue old depots, &c., and sell land.

SECTION 2. If said companies shall agree to establish either such union passenger station or stations, or said depots, or both, and shall agree at what place or places the same shall be established, then said companies, or any one or more of them, are hereby authorized to purchase or otherwise take such lands or materials in said city, as said boards of directors shall deem expedient for any or all the purposes aforesaid, and for such additional railroads and tracks as said arrangements shall in their opinion render desirable; and, with the consent of the board of mayor and aldermen of the city of Worcester, after said union station or stations and depots shall have been constructed fit for use, to discontinue such stations, depots, tracks and portions of their respective railroads, as the directors of the company to whom the same belong shall deem expedient, and may sell and convey in fee simple the lands occupied by such stations, depots, tracks or portions, in all cases where the fee is now owned by any of said corporations, and not otherwise: *provided*, that land taken or purchased under this act shall not be exempt from taxation.

—may alter grades, &c., with consent of aldermen.

SECTION 3. For the purposes aforesaid, said companies respectively are authorized to make any changes in the grade and construction of their several railroads, and, with the consent of said board of aldermen, to raise, lower, alter the course of, or otherwise change any highways in said city.

Damages.

SECTION 4. In the exercise of the powers granted by this act, said corporations, and any person or corporation who shall sustain any damage in their property, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions, which now are or may be provided by the general laws of this Commonwealth in the like case.

Approved May 10, 1869.

Chap. 265 AN ACT TO INCORPORATE THE TRUSTEES OF THE HOME FOR AGED FEMALES, IN THE CITY OF WORCESTER.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles Washburn, P. L. Moen, W. A. S. Smyth, and their successors, are hereby made a corporation by the name of The Trustees of the Home for Aged Females, in the city of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.

Name and purpose.
Powers and duties.

SECTION 2. The said trustees shall have the power to take and hold the property, personal and real, given by Ichabod Washburn, late of Worcester, deceased, by his last will and testament, for the purpose of establishing and maintaining a home for aged females, and shall hold and administer the said estate for the charitable uses mentioned in said will.

May hold property given by will of Ichabod Washburn.

SECTION 3. The officers of said corporation shall be a resident, secretary and treasurer, who shall be elected annually. The secretary shall keep a record of the acts and doings of the corporation in a book prepared for the purpose, in which he shall also record a copy of this act of incorporation. The treasurer shall give bond, with sureties satisfactory to the trustees, in double the amount of the property entrusted to him, conditioned to safely keep, invest and disburse the funds so intrusted to him, according to the terms of said will.

Officers to be elected annually.

Secretary to keep record.

Treasurer to give bond.

SECTION 4. The said trustees shall have power annually to elect the visitors of said home as provided for in said will, and shall also have power to fill by election any vacancies occurring in their own board by death, resignation or otherwise. And the secretary of the corporation shall be the secretary of the board of visitors, and keep a record of their acts and doings in the same book in which he keeps the record of the corporation.

Trustees to elect the board of visitors.

Secretary of board.

SECTION 5. The said trustees are hereby authorized and empowered to sell or dispose of, at public or private sale, for an adequate consideration, any reversionary interest or title they may have or hold under said will, in or to any estate, personal or real, and to execute all deeds and instruments that may be necessary to perfect such sale; and to settle and compound with any and all persons who may have any interest or title in or to such estate or property, of which the said trustees hold the reversion by the provisions of said will: *provided*, that the proceeds of such sale or settlement shall be held, invested and administered by said trustees and their successors, upon the trusts and for the uses and purposes set forth in said will.

Trustees may sell reversionary interest in any estate held under the will.

Proviso.

SECTION 6. Said corporation may hold real estate to the value of fifty thousand dollars, and personal property to the value of one hundred and fifty thousand dollars.

Real and personal estate.

SECTION 7. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 266

AN ACT CONCERNING THE MALDEN BRIDGE.

Be it enacted, &c., as follows:

Bridge, by
whom to be
kept in repair.

SECTION 1. Malden Bridge, over Mystic River, in the city of Charlestown, shall hereafter be kept in repair, and the draw thereof opened for the passage of vessels, at all proper times, at the expense of such cities and towns as may be specially benefited by the maintenance of said bridge, and of such corporations as may have authority to run street railway cars or other vehicles, or parties engaged as common carriers of passengers over said bridge.

County commis-
sioners to ap-
portion and
assess probable
expense of re-
pairs, &c., an-
nually in ad-
vance.

SECTION 2. The county commissioners of Middlesex county shall, in the month of May of the present year, and thereafter in the month of April, annually, after due public notice and hearing of all parties in interest, proceed to determine and award what cities, towns, corporations and parties engaged as common carriers of passengers over said bridge, are benefited as aforesaid, and apportion and assess the probable expense of the repairs and maintenance of said bridge for the next ensuing year, in such manner and amount as they shall deem equitable and just.

—to order to
whom amounts
shall be paid
and by whom
disbursed.

SECTION 3. The said commissioners shall, immediately after said determination or award, decide and order to whom said amounts shall be paid, and by whom disbursed; and shall, on or before the first day of June, in the present year, and thereafter, annually, on or before the first day of May in each year, notify said cities, towns, corporations and parties engaged as common carriers of passengers over said bridge, of the amount assessed upon each.

Money to be
raised as for
streets and
highways.

And the cities and towns aforesaid shall raise the amounts so assessed in the same manner as money is now by law raised for the streets and highways in said towns and cities; and it shall be the duty of the officers thereof to act in the matter, and they shall have the same power and authority as in the assessment and collection of taxes for the repairs of streets and highways.

Commissioners
to issue war-
rants of distress
against delin-
quents.

And if the other corporations or parties engaged as common carriers of passengers over said bridge aforesaid, shall not make payment, as ordered by the said commissioners, on or before the first day of July next ensuing, of each year, the said commissioners shall issue their warrant of distress against any such delinquent corporation, or parties engaged as common carriers of passengers over said bridge, for the amount assessed thereon, together with interest upon the same from the time it was payable, and reasonable costs. And the same shall be enforced and collected in the same

anner as orders by county commissioners are now by law enforced.

The assessment herein provided for upon any cities or towns may be made by the proper officers thereof, for the present year, at any time before the tax lists are committed to the several collectors, and the assessment shall be taken as made of the first day of May of said year. And any assessment that shall be or that has been made during the present year under the provisions of chapter ninety-nine of the acts of the year eighteen hundred and fifty-nine, is hereby declared null and void.

Assessments
for the present
year.

SECTION 4. If either of said commissioners shall reside in the city of Charlestown, or in either of the towns of Malden, Melrose, Wakefield, Reading, North Reading or Stoneham, then a special commissioner shall act in his stead, as provided in section twelve of chapter seventeen of the General Statutes.

When special
commissioner
shall act.

SECTION 5. The mayor and aldermen of the city of Charlestown shall take the care and superintendence of said bridge, and shall employ all services necessary in the care thereof; and said city shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants in such management and superintendence.

Mayor and al-
dermen of
Charlestown to
have care of
bridge.

City liable for
loss through
neglect, &c.

SECTION 6. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT TO INCORPORATE THE SAINT JOSEPH'S LYCEUM IN CAMBRIDGE.

Chap. 267

Be it enacted, &c., as follows:

SECTION 1. James Cox, J. H. Jessop, James L. Duffy, their associates and successors, are hereby made a corporation under the name and title of the St. Joseph's Lyceum, in the city of Cambridge, for literary and educational purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force in relation to such corporations.

Corporators.

Name and pur-
pose.

Powers and du-
ties.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate to the amount of seventy-five thousand dollars.

Real estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 268**AN ACT TO INCORPORATE THE DUXBURY BRIDGE COMPANY.***Be it enacted, &c., as follows :***Corporators.**

SECTION 1. David Cushman, George W. Wright, Allen Prior, their associates and successors, are hereby made a corporation by the name of the Duxbury Bridge Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force relating to such corporations.

Name.**Powers and duties.****May build bridge across Duxbury harbor.****Capital stock and shares.****Bridge to be twenty feet wide, with suitable draw.****Proviso.****Rates of toll.****Tolls to continue until revoked by legislature.****Rates of toll may be commuted.**

SECTION 2. Said corporation is hereby authorized and empowered to construct a pile bridge across the waters of the harbor of Duxbury, commencing at some point on Powder Point, so called, and extending in a straight line to Salt House Beach, so called, and the capital stock of said corporation shall not exceed twenty-five thousand dollars, divided into shares of one hundred dollars each, with the right to purchase and hold such real and personal estate as may be necessary and convenient for the purposes of this act, not exceeding that sum. Said bridge shall be well built of suitable materials, at least twenty feet wide, and floored with planks, with sufficient railings on each side, and shall have a suitable draw in the same at least twenty-four feet wide, for the passage of vessels, all of which shall be kept in good repair at all times: *provided*, that the structures built under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

SECTION 3. A toll is hereby granted to said corporation, and established at the following rates, namely: for each horse and rider, ten cents; for each chaise, cab, carryall, buggy or sleigh drawn by one horse, fifteen cents; for each carriage, coach, phaeton or sleigh drawn by two horses, twenty cents; for each additional horse, five cents; for each cart, wagon, sled, sleigh, or other carriage of burden, drawn by one beast, fifteen cents; and for each additional beast, five cents; for each horse without a rider, and for neat cattle, asses and mules, five cents each; for sheep and swine, two cents each; for each single person, two cents.

SECTION 4. The said tolls shall commence on the day of the opening of said bridge for public use, and continue until revoked by the legislature; and at the place of receiving said tolls there shall be constantly exposed to view, a sign-board with the said rates of toll fairly and legibly printed thereon. The rates of toll may be commuted with any person.

SECTION 5. If said corporation shall neglect, for the space of five years from the passage of this act, to build and finish said bridge, then this act shall be void.

Bridge to be built in five years, or act void.

SECTION 6. The town of Duxbury herein named, is hereby authorized to subscribe for and hold stock in the Duxbury ridge Company, incorporated by this act, to an amount not exceeding one per centum on the valuation of said town, whenever a majority of the voters of said town, present and voting at a legal town meeting duly called for that purpose, shall so vote.

Duxbury may take stock in bridge, if voters so decide.

Approved May 10, 1869.

AN ACT TO INCORPORATE THE MASSACHUSETTS BRICK COMPANY.

Chap. 269

Be it enacted, &c., as follows :

SECTION 1. William Clafin, Oliver Ames, J. S. Potter, their associates and successors, are hereby made a corporation by the name of the Massachusetts Brick Company, for the purpose of manufacturing bricks in the towns of Somerville and Medford ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business to an amount not exceeding three hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however,* that said corporation shall not go into operation until two hundred thousand dollars of its capital stock shall be paid in in cash.

Real estate, \$300,000.

Capital stock, \$500,000.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION.

Chap. 270

Be it enacted, &c., as follows :

The Massachusetts Charitable Mechanic Association is hereby authorized to hold real and personal estate to the value of one hundred thousand dollars in addition to the amount it is now authorized to hold ; and the income of the same shall be applied to the same purposes as are specified in the former acts concerning said association.

\$100,000 additional real and personal estate.

Approved May 10, 1869.

AN ACT TO CHANGE THE NAME OF THE "LYCEUM OF THE TOWN OF CAMBRIDGE," AND FOR OTHER PURPOSES.

Chap. 271

Be it enacted, &c., as follows :

SECTION 1. The lyceum of the town of Cambridge, a corporation organized on the sixth day of May, in the year

Name changed to Cambridge Lyceum.

eighteen hundred and forty-one, under the provisions of section seven of chapter forty-one of the Revised Statutes, shall be hereafter called and known as the "Cambridge Lyceum."

Capital stock increased.

SECTION 2. Said corporation is hereby authorized to increase its capital stock to an amount which, including the amount now authorized by law, shall not exceed the sum of sixty thousand dollars; and shall have the right to purchase and hold adjoining real estate for the purpose of enlarging the buildings upon their premises.

Rights not affected.

SECTION 3. This act shall not affect the rights or privileges of any other person or corporation which now exist or which are held in the real or personal property of said Cambridge Lyceum.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 272

AN ACT PROVIDING FOR THE WIDENING OF THE DRAWS IN CHARLES RIVER BRIDGE AND WARREN BRIDGE, AND FOR OTHER PURPOSES.
Be it enacted, &c., as follows:

Draws to be widened under direction of harbor commissioners.

SECTION 1. The commissioners appointed under section one of chapter three hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, shall forthwith cause to be made, in lieu of the existing draws in Charles River and Warren Bridges, a draw in each bridge with a clear opening of forty-four feet in width, in such position, and of such form and construction as the harbor commissioners shall determine.

To be paid for out of Charles River and Warren Bridge fund.

SECTION 2. Said commissioners are hereby authorized and directed to apply to the construction of said draws so much as may be necessary of the unexpended balance of the Charles River and Warren Bridges fund, and the same is hereby appropriated for that purpose: *provided*, that until the completion of said draws, said commissioners shall have the sole charge and management of said bridges and draws, and may apply such portions of said fund as may be necessary to keep the same in repair.

Proviso.

Expense of maintaining bridges and draws to be apportioned between Boston and Charlestown.

Surplus of fund to be divided.

SECTION 3. Said commissioners, after due notice and hearing, shall, in such manner and amount as they shall deem just and equitable, apportion and assess upon the cities of Boston and Charlestown the expense of maintaining and keeping in repair said bridges and draws, and shall also at the same time in like manner assign and divide to and between said cities, any surplus of said fund remaining unexpended after said draws shall have been widened as above provided, and all other funds and property now

belonging to said bridges; and if said fund shall prove insufficient to pay the expense of widening said draws, they shall in like manner assess and apportion such deficiency upon said cities.

SECTION 4. Said commissioners shall return their award unto the supreme judicial court, sitting for the county of Suffolk, and when said award shall have been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties; and said court may enforce the same by proper process.

Award to be final when accepted by S. J. C.

SECTION 5. Upon the acceptance of said award by the court as aforesaid, the said bridges shall become highways, and thereafter said bridges and draws shall be managed, maintained and kept in repair by the cities of Boston and Charlestown, according to the terms and proportions established by said award, and all damages recovered in any action at law, by reason of any defect or want of repair in either of said bridges or draws, or neglect or carelessness in the management thereof, shall be paid by said cities on the same terms and in the same proportions. The care and management of said bridges and draws shall be vested in a board of commissioners, consisting of one person from each city, chosen in accordance with such ordinances as said cities shall severally establish, and until such commissioners are chosen, the mayors of said cities shall *ex officio* constitute a board of commissioners.

Bridges to become highways, and to be maintained by Boston and Charlestown.

Damages for neglect or carelessness.

Commissioners to consist of one from each city.

SECTION 6. The commissioners designated in the first section of this act, in apportioning the expense of maintaining said bridges and draws, shall include the expense of opening the draws thereof and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or by night.

Expense of opening draws to be included in cost of maintaining.

SECTION 7. Nothing in this act shall release the city of Boston from its obligations to keep in repair all that part of Warren Bridge connected with its water works, or from its liability for any damages arising from any defect in or accident to said works, or shall release the Middlesex Railroad Company from any legal obligation now existing, to maintain and keep in repair any portion of said bridges, or from any liability for loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants, in the management, construction or use of its tracks on said bridges.

Boston to keep in repair that part of Warren Bridge connected with water works.

Middlesex Railroad not released from liabilities.

SECTION 8. Said commissioners shall, at public auction, within six months from the passage of this act, sell and

Right to build structure on land of Com-

monwealth at
Boston end of
Warren Bridge,
to be sold at
auction.

How piles shall
be driven.

State may re-
quire position
of piles to be
changed.

Proceeds of
sale, how to be
applied.

Repeal.

dispose of the right to maintain a pile structure upon and over the triangular piece of land belonging to the Commonwealth, situate at the Boston end of the Warren Bridge, and between the same, the southerly pier of its draw, and the Fitchburg Railroad bridge, and the purchaser shall have the right to drive piles and erect structures thereon; but such piles shall be driven in a direction with reference to the current, and in a manner, as to sheathing or otherwise, as shall be required by the harbor commissioners; but the right is reserved to the Commonwealth to require hereafter any change in the position and direction of such piles, which the interest of the harbor may require; and the proceeds of all sales under this section shall be paid into the treasury of the Commonwealth, to be applied to the sinking fund created by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, or to the sinking fund created by chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five.

SECTION 9. Chapter sixty-six of the acts of the year eighteen hundred and sixty-seven, chapter two hundred and thirty-seven of the acts of the year eighteen hundred and sixty-eight, and sections two, three, four, five, six, seven, eight and nine of chapter three hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

Approved May 12, 1869.

Chap. 273

AN ACT TO MAKE THE NEW BEDFORD BRIDGE FREE.

Be it enacted, &c., as follows:

New Bedford
Bridge laid out
as a highway.

SECTION 1. The bridge over the Acushnet River, between the city of New Bedford and the town of Fairhaven, known as the New Bedford Bridge, including the draws, piers, abutments and way over Fish Island and Pope's Island, respectively so called, is hereby laid out and shall become a public highway, upon the acceptance of the award of the commissioners hereinafter named, by the supreme judicial court, and entry of judgment thereon.

Commissioners
to be appointed
by S. J. C.

SECTION 2. The supreme judicial court sitting in any county, or any justice thereof, after such notice as they may order, upon the application of the New Bedford and Fairhaven Bridge Company, or of ten legal voters of the city of New Bedford or town of Fairhaven, shall appoint a board of three commissioners; and said commissioners having first been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all the parties interested and a hearing, determine and award the amount to be

aid the said New Bedford and Fairhaven Bridge Company damages for the laying out of said bridge, draws, piers, abutments and way, as a public highway. Said commissioners shall also determine and decree what cities and towns in the county of Bristol are or will be specially and directly benefited by the provisions of the first section of this act, and shall determine and decree what proportions of the damages aforesaid shall be paid by the said cities and towns, and by the county of Bristol respectively. Said commissioners shall also determine in what proportions and manner the said cities and towns benefited as aforesaid shall defray the expenses of the maintenance and repairs of said bridge, draws, abutments, piers and way, and all other expenses properly incurred under the provisions of this act and not otherwise herein provided for. And their determination and decree, or that of a major part of them, shall be made in writing and reported to the supreme judicial court, and also to said bridge company, and to each of said cities and towns, and to the county commissioners of Bristol county. And the same shall be binding upon all the parties interested therein, except that the said bridge company may appeal to a jury from the award of the said commissioners. And if the said company shall not appeal to a jury within sixty days after receiving the award and decree of said commissioners as aforesaid, then the same shall be absolutely binding upon all the parties interested therein. When the same shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

—to determine what places are benefited and how bridge shall be kept in repair, &c.

Award to be binding unless company apply for a jury within sixty days.

Compensation of commissioners.

SECTION 3. If the said bridge company shall appeal to a jury from the award of the said commissioners as aforesaid, the same proceedings shall be had, and the same liabilities in regard to costs incurred, as is provided by law in the case of laying out highways by the county commissioners. The application for such jury shall be made to and acted upon by the county commissioners of the county of Bristol, and said jury may award to said bridge company a different sum in damages. The award of said jury shall be reported to the supreme judicial court, and when accepted, final judgment shall be entered upon the award of the commissioners aforesaid as modified by the award of said jury. All damages awarded and costs incurred under this section shall be paid by the same parties, and in the same proportions, as is provided in relation to the payment of damages in section second.

Proceedings in case of appeal to a jury.

sary to pay for the same, and may hold and dispose of the same like other town property. And the selectmen of such towns, or any agent specially chosen for that purpose, shall have authority to represent said towns respectively, at any and all meetings of the Massachusetts Central Railroad Company; and said towns so represented are hereby authorized to vote on the whole amount of the stock held by such towns respectively, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Capital stock and shares.

SECTION 8. The capital stock of the Massachusetts Central Railroad Company shall be fixed by the directors thereof, at an amount not less than three million dollars, with authority to increase the same from time to time, to an amount not exceeding six million dollars. And said stock shall be divided into shares of one hundred dollars each.

To be located in three years and constructed in six years.

SECTION 9. This act shall take effect upon its passage, and shall be void unless the said railroad be located within three years, and constructed within six years from the passage hereof.

Approved May 10, 1869.

Chap. 261

AN ACT CONCERNING THE PASSENGER STATION OF THE BOSTON AND ALBANY RAILROAD COMPANY AT NATICK, AND THE LAYING OUT OF A CROSSING AT THAT PLACE.

Be it enacted, &c., as follows :

Passenger station at Natick to be removed when county commissioners shall order.

SECTION 1. If at any time the county commissioners of the county of Middlesex shall, after due notice and hearing, adjudge that public convenience and necessity require a public carriage or foot way to be laid out across the track of the Boston and Albany Railroad at the continuation of Washington Street, so called, in Natick, the Boston and Albany Railroad Company shall remove their passenger station so as not to obstruct said way when and as said commissioners shall order.

Commissioners to determine whether crossing shall be by bridge or otherwise.

SECTION 2. Said commissioners shall determine whether said crossing shall be by a bridge or otherwise, and whether it shall be a foot or carriage way, and what proportion, if any, of the cost of said crossing shall be paid by said Boston and Albany Railroad Company, and what by said town of Natick.

Penalty on railroad upon failure to comply with requirements of commissioners.

SECTION 3. In case the said Boston and Albany Railroad Company shall fail to remove its passenger station, as required by the first section of this act, said company shall be subject for such failure or offence, to a fine of twenty-five dollars per day for each day's non-compliance, after the time fixed as aforesaid for removal.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE EXTENSION OF THE CAPE COD RAILROAD.

Chap. 262

Be it enacted, &c., as follows :

The time allowed to locate the extension of the Cape Cod Railroad through the town of Eastham to the village in Wellfleet, is hereby extended to the first day of June, in the year eighteen hundred and seventy-one; and to construct the same, to the first day of June, eighteen hundred and seventy-three.

Time for location extended.

Approved May 10, 1869.

AN ACT TO AUTHORIZE CHARLES C. PETTINGELL AND OTHERS TO CONSTRUCT A RAILWAY AND WHARF IN SALEM.

Chap. 263

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Charles C. Pettingell, Charles A. Ropes and Joseph F. Walden and their associates, to build a wharf and marine railway on land now owned by them in Salem, lying between East Garden Street and the channel of the South River, not to extend below low-water mark: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf and marine railway in Salem.

Subject to approval of harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT IN RELATION TO UNION PASSENGER AND FREIGHT DEPOTS IN WORCESTER.

Chap. 264

Be it enacted, &c., as follows :

SECTION 1. The Boston and Albany Railroad Company, the Norwich and Worcester Railroad Company, the Providence and Worcester Railroad Company, and the Worcester and Nashua Railroad Company, are hereby authorized to make such arrangements as shall be mutually agreed on by all the respective boards of directors of said companies for the location, establishment, construction and maintenance, by all or any one or more of said companies, both of a union passenger station or stations, for the benefit, use and accommodation of all of said companies, and of freight depots, at such point or points in the city of Worcester, as shall in the opinion of said boards, best facilitate the public convenience and the transaction of business, in the passing and inter-

Union passenger and freight depots in Worcester.

change of passengers and freight to, from and between the respective roads of said companies.

Railroad companies may take lands for depots and additional railroad tracks.

—may discontinue old depots, &c., and sell land.

SECTION 2. If said companies shall agree to establish either such union passenger station or stations, or said depots, or both, and shall agree at what place or places the same shall be established, then said companies, or any one or more of them, are hereby authorized to purchase or otherwise take such lands or materials in said city, as said boards of directors shall deem expedient for any or all the purposes aforesaid, and for such additional railroads and tracks as said arrangements shall in their opinion render desirable; and, with the consent of the board of mayor and aldermen of the city of Worcester, after said union station or stations and depots shall have been constructed fit for use, to discontinue such stations, depots, tracks and portions of their respective railroads, as the directors of the company to whom the same belong shall deem expedient, and may sell and convey in fee simple the lands occupied by such stations, depots, tracks or portions, in all cases where the fee is now owned by any of said corporations, and not otherwise: *provided*, that land taken or purchased under this act shall not be exempt from taxation.

—may alter grades, &c., with consent of aldermen.

SECTION 3. For the purposes aforesaid, said companies respectively are authorized to make any changes in the grade and construction of their several railroads, and, with the consent of said board of aldermen, to raise, lower, alter the course of, or otherwise change any highways in said city.

Damages.

SECTION 4. In the exercise of the powers granted by this act, said corporations, and any person or corporation who shall sustain any damage in their property, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions, which now are or may be provided by the general laws of this Commonwealth in the like case.

Approved May 10, 1869.

Chap. 265

AN ACT TO INCORPORATE THE TRUSTEES OF THE HOME FOR AGED FEMALES, IN THE CITY OF WORCESTER.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.
Powers and duties.

SECTION 1. Charles Washburn, P. L. Moen, W. A. S. Smyth, and their successors, are hereby made a corporation by the name of The Trustees of the Home for Aged Females, in the city of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.

SECTION 2. The said trustees shall have the power to take and hold the property, personal and real, given by Ichabod Washburn, late of Worcester, deceased, by his last will and testament, for the purpose of establishing and maintaining a home for aged females, and shall hold and administer the said estate for the charitable uses mentioned in said will.

May hold property given by will of Ichabod Washburn.

SECTION 3. The officers of said corporation shall be a president, secretary and treasurer, who shall be elected annually. The secretary shall keep a record of the acts and doings of the corporation in a book prepared for the purpose, in which he shall also record a copy of this act of incorporation. The treasurer shall give bond, with sureties satisfactory to the trustees, in double the amount of the property intrusted to him, conditioned to safely keep, invest and disburse the funds so intrusted to him, according to the terms of said will.

Officers to be elected annually.

Secretary to keep record.

Treasurer to give bond.

SECTION 4. The said trustees shall have power annually to elect the visitors of said home as provided for in said will, and shall also have power to fill by election any vacancies occurring in their own board by death, resignation or otherwise. And the secretary of the corporation shall be the secretary of the board of visitors, and keep a record of their acts and doings in the same book in which he keeps the record of the corporation.

Trustees to elect the board of visitors.

Secretary of board.

SECTION 5. The said trustees are hereby authorized and empowered to sell or dispose of, at public or private sale, for an adequate consideration, any reversionary interest or title they may have or hold under said will, in or to any estate, personal or real, and to execute all deeds and instruments that may be necessary to perfect such sale; and to settle and compound with any and all persons who may have any interest or title in or to such estate or property, of which the said trustees hold the reversion by the provisions of said will: *provided*, that the proceeds of such sale or settlement shall be held, invested and administered by said trustees and their successors, upon the trusts and for the uses and purposes set forth in said will.

Trustees may sell reversionary interest in any estate held under the will.

Proviso.

SECTION 6. Said corporation may hold real estate to the value of fifty thousand dollars, and personal property to the value of one hundred and fifty thousand dollars.

Real and personal estate.

SECTION 7. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 266

AN ACT CONCERNING THE MALDEN BRIDGE.

Be it enacted, &c., as follows:

Bridge, by
whom to be
kept in repair.

SECTION 1. Malden Bridge, over Mystic River, in the city of Charlestown, shall hereafter be kept in repair, and the draw thereof opened for the passage of vessels, at all proper times, at the expense of such cities and towns as may be specially benefited by the maintenance of said bridge, and of such corporations as may have authority to run street railway cars or other vehicles, or parties engaged as common carriers of passengers over said bridge.

County commis-
sioners to ap-
portion and
assess probable
expense of re-
pairs, &c., an-
nually in ad-
vance.

SECTION 2. The county commissioners of Middlesex county shall, in the month of May of the present year, and thereafter in the month of April, annually, after due public notice and hearing of all parties in interest, proceed to determine and award what cities, towns, corporations and parties engaged as common carriers of passengers over said bridge, are benefited as aforesaid, and apportion and assess the probable expense of the repairs and maintenance of said bridge for the next ensuing year, in such manner and amount as they shall deem equitable and just.

—to order to
whom amounts
shall be paid
and by whom
disbursed.

SECTION 3. The said commissioners shall, immediately after said determination or award, decide and order to whom said amounts shall be paid, and by whom disbursed; and shall, on or before the first day of June, in the present year, and thereafter, annually, on or before the first day of May in each year, notify said cities, towns, corporations and parties engaged as common carriers of passengers over said bridge, of the amount assessed upon each.

Money to be
raised as for
streets and
highways.

And the cities and towns aforesaid shall raise the amounts so assessed in the same manner as money is now by law raised for the streets and highways in said towns and cities; and it shall be the duty of the officers thereof to act in the matter, and they shall have the same power and authority as in the assessment and collection of taxes for the repair of streets and highways.

Commissioners
to issue war-
rants of distress
against delin-
quents.

And if the other corporations or parties engaged as common carriers of passengers over said bridge aforesaid, shall not make payment, as ordered by the said commissioners, on or before the first day of July next ensuing, of each year, the said commissioners shall issue their warrant of distress against any such delinquent corporation, or parties engaged as common carriers of passengers over said bridge, for the amount assessed thereon, together with interest upon the same from the time it was payable, and reasonable costs. And the same shall be enforced and collected in the same

manner as orders by county commissioners are now by law enforced.

The assessment herein provided for upon any cities or towns may be made by the proper officers thereof, for the present year, at any time before the tax lists are committed to the several collectors, and the assessment shall be taken as made of the first day of May of said year. And any assessment that shall be or that has been made during the present year under the provisions of chapter ninety-nine of the acts of the year eighteen hundred and fifty-nine, is hereby declared null and void.

Assessments
for the present
year.

SECTION 4. If either of said commissioners shall reside in the city of Charlestown, or in either of the towns of Malden, Melrose, Wakefield, Reading, North Reading or Stoneham, then a special commissioner shall act in his stead, as provided in section twelve of chapter seventeen of the General Statutes.

When special
commissioner
shall act.

SECTION 5. The mayor and aldermen of the city of Charlestown shall take the care and superintendence of said bridge, and shall employ all services necessary in the care thereof; and said city shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants in such management and superintendence.

Mayor and al-
dermen of
Charlestown to
have care of
bridge.

City liable for
loss through
neglect, &c.

SECTION 6. This act shall take effect upon its passage.

Approved May 10, 1869.

**AN ACT TO INCORPORATE THE SAINT JOSEPH'S LYCEUM IN CAM-
BRIDGE.** *Chap. 267*

Be it enacted, &c., as follows :

SECTION 1. James Cox, J. H. Jessop, James L. Duffy, their associates and successors, are hereby made a corporation under the name and title of the St. Joseph's Lyceum, in the city of Cambridge, for literary and educational purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force in relation to such corporations.

Corporators.

Name and pur-
pose.

Powers and du-
ties.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate to the amount of seventy-five thousand dollars.

Real estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 268 **AN ACT TO INCORPORATE THE DUXBURY BRIDGE COMPANY.***Be it enacted, &c., as follows :***Corporators.**

SECTION 1. David Cushman, George W. Wright, Allen Prior, their associates and successors, are hereby made a corporation by the name of the Duxbury Bridge Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force relating to such corporations.

Name.**Powers and duties.****May build bridge across Duxbury harbor.****Capital stock and shares.****Bridge to be twenty feet wide, with suitable draw.****Proviso.****Rates of toll.****Tolls to continue until revoked by legislature.****Rates of toll may be commuted.**

SECTION 2. Said corporation is hereby authorized and empowered to construct a pile bridge across the waters of the harbor of Duxbury, commencing at some point on Powder Point, so called, and extending in a straight line to Salt House Beach, so called, and the capital stock of said corporation shall not exceed twenty-five thousand dollars, divided into shares of one hundred dollars each, with the right to purchase and hold such real and personal estate as may be necessary and convenient for the purposes of this act, not exceeding that sum. Said bridge shall be well built of suitable materials, at least twenty feet wide, and floored with planks, with sufficient railings on each side, and shall have a suitable draw in the same at least twenty-four feet wide, for the passage of vessels, all of which shall be kept in good repair at all times: *provided*, that the structures built under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

SECTION 3. A toll is hereby granted to said corporation, and established at the following rates, namely: for each horse and rider, ten cents; for each chaise, cab, carryall, buggy or sleigh drawn by one horse, fifteen cents; for each carriage, coach, phaeton or sleigh drawn by two horses, twenty cents; for each additional horse, five cents; for each cart, wagon, sled, sleigh, or other carriage of burden, drawn by one beast, fifteen cents; and for each additional beast, five cents; for each horse without a rider, and for neat cattle, asses and mules, five cents each; for sheep and swine, two cents each; for each single person, two cents.

SECTION 4. The said tolls shall commence on the day of the opening of said bridge for public use, and continue until revoked by the legislature; and at the place of receiving said tolls there shall be constantly exposed to view, a sign-board with the said rates of toll fairly and legibly printed thereon. The rates of toll may be commuted with any person.

SECTION 5. If said corporation shall neglect, for the space of five years from the passage of this act, to build and finish said bridge, then this act shall be void.

Bridge to be built in five years, or act void.

SECTION 6. The town of Duxbury herein named, is hereby authorized to subscribe for and hold stock in the Duxbury Bridge Company, incorporated by this act, to an amount not exceeding one per centum on the valuation of said town, whenever a majority of the voters of said town, present and voting at a legal town meeting duly called for that purpose, shall so vote.

Duxbury may take stock in bridge, if voters so decide.

Approved May 10, 1869.

AN ACT TO INCORPORATE THE MASSACHUSETTS BRICK COMPANY.

Chap. 269

Be it enacted, &c., as follows :

SECTION 1. William Claffin, Oliver Ames, J. S. Potter, their associates and successors, are hereby made a corporation by the name of the Massachusetts Brick Company, for the purpose of manufacturing bricks in the towns of Somerville and Medford ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business to an amount not exceeding three hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however,* that said corporation shall not go into operation until two hundred thousand dollars of its capital stock shall be paid in in cash.

Real estate, \$300,000.

Capital stock, \$500,000.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION.

Chap. 270

Be it enacted, &c., as follows :

The Massachusetts Charitable Mechanic Association is hereby authorized to hold real and personal estate to the value of one hundred thousand dollars in addition to the amount it is now authorized to hold ; and the income of the same shall be applied to the same purposes as are specified in the former acts concerning said association.

\$100,000 additional real and personal estate.

Approved May 10, 1869.

AN ACT TO CHANGE THE NAME OF THE "LYCEUM OF THE TOWN OF CAMBRIDGE," AND FOR OTHER PURPOSES.

Chap. 271

Be it enacted, &c., as follows :

SECTION 1. The lyceum of the town of Cambridge, a corporation organized on the sixth day of May, in the year

Name changed to Cambridge Lyceum.

eighteen hundred and forty-one, under the provisions of section seven of chapter forty-one of the Revised Statutes, shall be hereafter called and known as the "Cambridge Lyceum."

Capital stock increased.

SECTION 2. Said corporation is hereby authorized to increase its capital stock to an amount which, including the amount now authorized by law, shall not exceed the sum of sixty thousand dollars; and shall have the right to purchase and hold adjoining real estate for the purpose of enlarging the buildings upon their premises.

Rights not affected.

SECTION 3. This act shall not affect the rights or privileges of any other person or corporation which now exist or which are held in the real or personal property of said Cambridge Lyceum.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1869.

Chap. 272

AN ACT PROVIDING FOR THE WIDENING OF THE DRAWS IN CHARLES RIVER BRIDGE AND WARREN BRIDGE, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Draws to be widened under direction of harbor commissioners.

SECTION 1. The commissioners appointed under section one of chapter three hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, shall forthwith cause to be made, in lieu of the existing draws in Charles River and Warren Bridges, a draw in each bridge with a clear opening of forty-four feet in width, in such position, and of such form and construction as the harbor commissioners shall determine.

To be paid for out of Charles River and Warren Bridge fund.

SECTION 2. Said commissioners are hereby authorized and directed to apply to the construction of said draws so much as may be necessary of the unexpended balance of the Charles River and Warren Bridges fund, and the same is hereby appropriated for that purpose: *provided*, that until the completion of said draws, said commissioners shall have the sole charge and management of said bridges and draws, and may apply such portions of said fund as may be necessary to keep the same in repair.

Proviso.

Expense of maintaining bridges and draws to be apportioned between Boston and Charlestown.
Surplus of fund to be divided.

SECTION 3. Said commissioners, after due notice and hearing, shall, in such manner and amount as they shall deem just and equitable, apportion and assess upon the cities of Boston and Charlestown the expense of maintaining and keeping in repair said bridges and draws, and shall also at the same time in like manner assign and divide to and between said cities, any surplus of said fund remaining unexpended after said draws shall have been widened as above provided, and all other funds and property now

belonging to said bridges; and if said fund shall prove insufficient to pay the expense of widening said draws, they shall in like manner assess and apportion such deficiency upon said cities.

SECTION 4. Said commissioners shall return their award into the supreme judicial court, sitting for the county of Suffolk, and when said award shall have been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties; and said court may enforce the same by proper process.

Award to be final when accepted by S. J. C.

SECTION 5. Upon the acceptance of said award by the court as aforesaid, the said bridges shall become highways, and thereafter said bridges and draws shall be managed, maintained and kept in repair by the cities of Boston and Charlestown, according to the terms and proportions established by said award, and all damages recovered in any action at law, by reason of any defect or want of repair in either of said bridges or draws, or neglect or carelessness in the management thereof, shall be paid by said cities on the same terms and in the same proportions. The care and management of said bridges and draws shall be vested in a board of commissioners, consisting of one person from each city, chosen in accordance with such ordinances as said cities shall severally establish, and until such commissioners are chosen, the mayors of said cities shall *ex officio* constitute a board of commissioners.

Bridges to become highways, and to be maintained by Boston and Charlestown.

Damages for neglect or carelessness.

Commissioners to consist of one from each city.

SECTION 6. The commissioners designated in the first section of this act, in apportioning the expense of maintaining said bridges and draws, shall include the expense of opening the draws thereof and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or by night.

Expense of opening draws to be included in cost of maintaining.

SECTION 7. Nothing in this act shall release the city of Boston from its obligations to keep in repair all that part of Warren Bridge connected with its water works, or from its liability for any damages arising from any defect in or accident to said works, or shall release the Middlesex Railroad Company from any legal obligation now existing, to maintain and keep in repair any portion of said bridges, or from any liability for loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants, in the management, construction or use of its tracks on said bridges.

Boston to keep in repair that part of Warren Bridge connected with water works.

Middlesex Railroad not released from liabilities.

SECTION 8. Said commissioners shall, at public auction, within six months from the passage of this act, sell and

Right to build structure on land of Com-

monwealth at Boston end of Warren Bridge, to be sold at auction.

How piles shall be driven.

State may require position of piles to be changed.

Proceeds of sale, how to be applied.

Repeal.

dispose of the right to maintain a pile structure upon and over the triangular piece of land belonging to the Commonwealth, situate at the Boston end of the Warren Bridge, and between the same, the southerly pier of its draw, and the Fitchburg Railroad bridge, and the purchaser shall have the right to drive piles and erect structures thereon; but such piles shall be driven in a direction with reference to the current, and in a manner, as to sheathing or otherwise, as shall be required by the harbor commissioners; but the right is reserved to the Commonwealth to require hereafter any change in the position and direction of such piles, which the interest of the harbor may require; and the proceeds of all sales under this section shall be paid into the treasury of the Commonwealth, to be applied to the sinking fund created by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, or to the sinking fund created by chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five.

SECTION 9. Chapter sixty-six of the acts of the year eighteen hundred and sixty-seven, chapter two hundred and thirty-seven of the acts of the year eighteen hundred and sixty-eight, and sections two, three, four, five, six, seven, eight and nine of chapter three hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

Approved May 12, 1869.

Chap. 273

AN ACT TO MAKE THE NEW BEDFORD BRIDGE FREE.

Be it enacted, &c., as follows:

New Bedford Bridge laid out as a highway.

SECTION 1. The bridge over the Acushnet River, between the city of New Bedford and the town of Fairhaven, known as the New Bedford Bridge, including the draws, piers, abutments and way over Fish Island and Pope's Island, respectively so called, is hereby laid out and shall become a public highway, upon the acceptance of the award of the commissioners hereinafter named, by the supreme judicial court, and entry of judgment thereon.

Commissioners to be appointed by S. J. C.

SECTION 2. The supreme judicial court sitting in any county, or any justice thereof, after such notice as they may order, upon the application of the New Bedford and Fairhaven Bridge Company, or of ten legal voters of the city of New Bedford or town of Fairhaven, shall appoint a board of three commissioners; and said commissioners having first been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all the parties interested and a hearing, determine and award the amount to be

paid the said New Bedford and Fairhaven Bridge Company as damages for the laying out of said bridge, draws, piers, abutments and way, as a public highway. Said commissioners shall also determine and decree what cities and towns in the county of Bristol are or will be specially and directly benefited by the provisions of the first section of this act, and shall determine and decree what proportions of the damages aforesaid shall be paid by the said cities and towns, and by the county of Bristol respectively. Said commissioners shall also determine in what proportions and manner the said cities and towns benefited as aforesaid shall defray the expenses of the maintenance and repairs of said bridge, draws, abutments, piers and way, and all other expenses properly incurred under the provisions of this act and not otherwise herein provided for. And their determination and decree, or that of a major part of them, shall be made in writing and reported to the supreme judicial court, and also to said bridge company, and to each of said cities and towns, and to the county commissioners of Bristol county. And the same shall be binding upon all the parties interested therein, except that the said bridge company may appeal to a jury from the award of the said commissioners. And if the said company shall not appeal to a jury within sixty days after receiving the award and decree of said commissioners as aforesaid, then the same shall be absolutely binding upon all the parties interested therein. When the same shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

—to determine what places are benefited and how bridge shall be kept in repair, &c.

Award to be binding unless company apply for a jury within sixty days.

Compensation of commissioners.

Proceedings in case of appeal to a jury.

SECTION 3. If the said bridge company shall appeal to a jury from the award of the said commissioners as aforesaid, the same proceedings shall be had, and the same liabilities in regard to costs incurred, as is provided by law in the case of laying out highways by the county commissioners. The application for such jury shall be made to and acted upon by the county commissioners of the county of Bristol, and said jury may award to said bridge company a different sum as damages. The award of said jury shall be reported to the supreme judicial court, and when accepted, final judgment shall be entered upon the award of the commissioners aforesaid as modified by the award of said jury. All damages awarded and costs incurred under this section shall be paid by the same parties, and in the same proportions, as is provided in relation to the payment of damages in section second.

Care and superintendence of bridge within limits of New Bedford and Fairhaven.

SECTION 4. Upon the said bridge, draws, piers, abutments and way becoming a highway as aforesaid, the care and superintendence of such parts of the same as lie within the corporate limits of the city of New Bedford and the town of Fairhaven, respectively, shall devolve upon the mayor and aldermen of said city, and the selectmen of said town respectively; and liability for defects in said bridge, draws, piers, abutments and way shall exist on the part of said city and town for the portions of the same lying therein respectively, in like manner as for defects in town ways.

Liability for damages.

SECTION 5. This act shall take effect upon its passage.

Approved May 12, 1869.

Chap. 274

AN ACT IN RELATION TO THE BOSTON WESLEYAN ASSOCIATION.
Be it enacted, &c., as follows:

May issue additional publications.

SECTION 1. The Boston Wesleyan Association is hereby authorized, in addition to a newspaper, to issue other publications.

Additional real and personal estate.

SECTION 2. Said association is hereby authorized to hold real and personal estate to the amount of four hundred thousand dollars in addition to the amount of one hundred thousand dollars heretofore allowed by chapter forty-seven of the acts of the year eighteen hundred and fifty-four, and by chapter one hundred and sixty of the acts of the year eighteen hundred and sixty-six.

Dividends.

SECTION 3. Said association shall declare dividends from its profits in furtherance of its objects at its discretion.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1869.

Chap. 275

AN ACT IN RELATION TO THE STATE PRISON.

Be it enacted, &c., as follows:

Warden may allow convicts to be in the yard for exercise, &c.

The warden of the state prison may, at such times and under such circumstances as he deems expedient, with the consent of the inspectors, allow the convicts to assemble together in the yard for recreation and exercise.

Approved May 15, 1869.

Chap. 276

AN ACT TO AMEND CHAPTER THIRTY-TWO OF THE GENERAL STATUTES, CONCERNING RELIGIOUS, CHARITABLE AND EDUCATIONAL ASSOCIATIONS.

Be it enacted, &c., as follows:

Amendment to G. S. 32.

Chapter thirty-two of the General Statutes is hereby amended by inserting therein, after the word "educational," in sections one and five respectively, the words "literary, benevolent, scientific."

Approved May 15, 1869.

AN ACT FIXING THE TIMES AND PLACES OF HOLDING PROBATE
COURTS IN THE COUNTY OF BARNSTABLE *Chap. 277*

Be it enacted, &c., as follows :

SECTION 1. Probate courts shall be held in each year in the county of Barnstable, as follows: at Barnstable, on the second Tuesdays of January, February, March, August, September and December, and on the third Tuesdays of April and June; at Harwich, on the second Monday after the first Tuesday of May, and on the Monday after the third Tuesday of October; at Orleans, on the third Tuesday of May and fourth Tuesday of October; at Wellfleet, on the Wednesday next after the third Tuesday of May, and the Wednesday next after the fourth Tuesday of October; at Provincetown, on the Thursday next after the third Tuesday of May, and on the Thursday next after the fourth Tuesday of October; and at Falmouth, on the third Tuesday of November, instead of the times and places now provided by law.

Probate courts
in Barnstable
County.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1869.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS TO LAY OUT
AS A HIGHWAY, A PART OF THE OLD CEMETERY IN FOXBORO' *Chap. 278*

Be it enacted, &c., as follows :

The county commissioners of the county of Norfolk, are hereby authorized to lay out as a part of the highway known as Central Street, in the town of Foxborough, so much as the public convenience and necessity may require, of that part of the old cemetery in said town, which lies north-easterly of the following described line, to wit: commencing at a point on the south-easterly boundary of said cemetery, which is twelve feet distant from the south-westerly line of Central Street, and running north-westerly on a course parallel with the aforesaid line of said street, one hundred and eighty-four feet, and thence running westerly on a curve having a radius of thirty-five feet, to the south-easterly line of South Street: *provided, however*, that such laying out shall not authorize the removal of the remains of any person interred in the land thus laid out, except in accordance with the written order of said commissioners; and *provided, also*, that all the cost, expense and damages of such laying out of said cemetery as a highway, including the expense of the removal and reburial of the remains of the dead, occasioned thereby, shall be borne by the town of Foxboro' and the county of Norfolk, in such proportions as said commissioners shall determine.

Commissioners
may lay out as
a highway part
of old cemetery
in Foxborough.

Provido.

Cost of laying
out, &c., to be
borne by Fox-
borough and
Norfolk Coun-
ty.

Approved May 15, 1869.

Chap. 279 AN ACT TO AUTHORIZE THE THIRD UNITARIAN SOCIETY IN DORCHESTER TO PUT A NEW VALUATION ON THEIR PEWS.

Be it enacted, &c., as follows :

May make new valuation of pews.

SECTION 1. The Third Unitarian Society of Dorchester are hereby empowered to make a new valuation of the pews in their meeting-house.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1869.

Chap. 280 AN ACT TO INCORPORATE THE HYDE PARK BRANCH RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Capital stock.

SECTION 1. Gordon H. Nott, William W. Fairbairn, William F. Estey, their associates and successors, are hereby made a corporation by the name of the Hyde Park Branch Railway Company, for the purpose of constructing and using a branch railway from a point near the Hyde Park Station on the Boston and Providence Railroad, to some convenient point in Mill Village, so called, in the town of Dedham ; to be operated by horse power only, and to be used in the transportation of passengers and freight ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which are now or may hereafter be in force relating to street railroad corporations.

SECTION 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 15, 1869.

Chap. 281 AN ACT TO INCORPORATE THE MASSACHUSETTS LOAN AND DEPOSIT COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Not to receive money on deposit.

Duties, restrictions and liabilities.

SECTION 1. Benjamin F. Stevens, Franklin Haven, Sewell Tappan, their associates and successors, are hereby made a corporation by the name of the Massachusetts Loan and Deposit Company, to do business in the city of Boston, for the purpose of loaning money on real and collateral security, and of receiving upon storage or deposit, merchandise, stocks, bonds and other articles of value, and advancing money thereon : *provided*, that nothing in this act shall give the corporation liberty to receive money on deposit.

SECTION 2. Said corporation shall be subject to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all general laws which now are or hereafter may be in force and applicable to said corporation, and also to the provisions of the twenty-seventh section of the sixtieth chapter of the General Statutes.

SECTION 3. The capital stock of said corporation shall not exceed one million of dollars, to be divided into shares of one hundred dollars each; and it shall not commence business until four hundred thousand dollars of its capital stock has been paid in in cash; and no shares shall be issued nor dividends made until the par value of such shares shall have been actually paid in in cash.

Capital stock
and shares.

SECTION 4. Said corporation may hold real estate in the city of Boston suitable for the transaction of its business, not exceeding in value two hundred thousand dollars; but all real estate acquired by foreclosure or by levy of execution, shall be sold by public auction within two years of such foreclosure or levy.

Real estate.

SECTION 5. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing or that may hereafter be passed in amendment or in lieu thereof, and shall be liable to taxation for all personal property, not its own, in its possession under mortgage, pledge or otherwise, in the same manner and to the same extent, and subject to the same provisions for the assessment and collection thereof, as if it were the real owner of the same.

Subject to provisions of 1865,
283.

Taxation.

SECTION 6. Said corporation shall be subject to the provisions of the second section of chapter one hundred and ninety-two of the acts of the year eighteen hundred and sixty-six, and shall annually make return to the commissioner of savings banks, at such time as may be designated by the governor, of the condition of said corporation, giving a statement of the amount of the capital stock paid in; the amount of outstanding loans at the date of the return; the amount loaned during the year; the amount loaned on real estate; the amount loaned on merchandise; the amount loaned on stocks and bonds; the amount loaned on other securities, and the rate and amount of dividend paid.

Subject to provisions of 1866,
192, § 2.

To make return
to commissioner
of savings
banks.

SECTION 7. This act shall take effect upon its passage.

Approved May 15, 1869.

AN ACT TO EXTEND THE TIME FOR LOCATING AND COMPLETING THE
GLOUCESTER AND LANESVILLE RAILROAD.

Chap. 282

Be it enacted, &c., as follows:

SECTION 1. The time for locating the Gloucester and Lanesville Railroad, is hereby extended to the first day of June, in the year eighteen hundred and seventy-two, and for the completion of the same to the first day of June, in the year eighteen hundred and seventy-four.

Time for loca-
tion extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1869.

Chap. 283 AN ACT TO EXTEND THE TIME FOR LOCATING AND COMPLETING THE HOPKINTON AND MILFORD RAILROAD.

Be it enacted, &c., as follows :

Time for location and completion extended.

SECTION 1. The time for the location of the road of the Hopkinton and Milford Railroad Company is hereby extended to the first day of May, in the year eighteen hundred and seventy-one, and for the completion of the same to the first day of May, in the year eighteen hundred and seventy-three.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1869.

Chap. 284 AN ACT TO AUTHORIZE THE TOWN OF WINCHENDON TO TAKE STOCK IN CERTAIN RAILROAD COMPANIES.

Be it enacted, &c., as follows :

Winchendon may take stock in railroads running into that town.

SECTION 1. The town of Winchendon is hereby authorized to subscribe to the capital stock of any railroad corporation or corporations that may be incorporated by the legislature during its present session, any part of whose railroad or railroads may pass through or have their terminus in said town, an amount not exceeding in all its subscriptions to the capital stock of all said railroad corporations, five per cent. of the valuation of said town, according to the town assessors' valuation of the year eighteen hundred and sixty-eight, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Amount to be determined at a town meeting called for that purpose.

The total amount to be subscribed to the capital stock of all said railroad corporations, and the amount to be subscribed to the capital stock of each of said railroad corporations, to be determined at a town meeting of the inhabitants of said town, properly warned and called.

May raise money by bonds, loan or tax.

SECTION 2. Said town is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock, and interest thereon.

Committee to subscribe for stock and represent town at first meeting of stockholders.

SECTION 3. Said town may appoint a committee, who shall subscribe in behalf of the town for such number of shares in the capital stock of said companies as shall be voted by said town ; and said committee are hereby authorized to cast the vote of said town, in the choice of directors of said roads, at the first meeting of the stockholders thereof called for that purpose ; and thereafter the vote of said town in the choice of directors of said roads, shall be cast by the person or persons whom said town may appoint.

Approved May 15, 1869.

AN ACT TO INCORPORATE THE GLOUCESTER FIRE INSURANCE COMPANY. *Chap. 285*

Be it enacted, &c., as follows:

SECTION 1. George R. Bradford, William A. Pew, Addison Gott, their associates and successors, are hereby made a corporation by the name of the Gloucester Fire Insurance Company, in the town of Gloucester, for the purpose of making insurances against loss by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, with liberty to pay in and increase the same to two hundred thousand dollars; and shall have a right to hold real estate for its own use not exceeding twenty-five thousand dollars.

Capital stock.

Real estate.

SECTION 3. Said corporation shall commence business when one hundred thousand dollars of its capital stock shall have been subscribed and paid in in cash.

May commence business when \$100,000 is paid in.

SECTION 4. This act shall take effect upon its passage.

Approved May 15, 1869.

AN ACT TO INCORPORATE THE ROLLSTONE MUTUAL FIRE INSURANCE COMPANY. *Chap. 286*

Be it enacted, &c., as follows:

SECTION 1. Amasa Norcross, L. H. Bradford, Rodney Wallace, their associates and successors, are hereby made a corporation by the name of the Rollstone Mutual Fire Insurance Company, in the town of Fitchburg, for the purpose of making insurance against losses or damage by fire, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MELROSE AND SOUTH READING HORSE RAILROAD COMPANY. *Chap. 287*

Be it enacted, &c., as follows:

SECTION 1. The time for accepting, locating and constructing the Melrose and South Reading Horse Railroad is hereby extended two years.

Time for location, &c., extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1869.

Chap. 288 AN ACT TO INCORPORATE THE SAINT PATRICK'S TEMPERANCE SOCIETY.*Be it enacted, &c., as follows :***Corporators.****Name and purpose.****Powers and duties.****Real and personal estate.**

SECTION 1. Michael O'Brien, Andrew J. Teeling and Patrick Moran, their associates and successors, are hereby made a corporation by the name of the Saint Patrick's Temperance Society, for the purpose of promoting the cause of temperance in the city of Lowell, and of benefiting the condition of their members, by assisting them in time of sickness; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, so far as applicable to said corporation.

SECTION 2. Said corporation may hold for the purposes aforesaid, real and personal estate to the amount of fifteen thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved May 15, 1869.***Chap. 289 AN ACT TO INCORPORATE THE LYNN ODD FELLOWS' HALL ASSOCIATION.***Be it enacted, &c., as follows :***Corporators.****Name and purpose.****Powers and duties.****Real and personal estate.**

SECTION 1. N. M. Hawkes, John Q. Hammond, Benjamin H. Currier, Henry C. Oliver, Harmon Hall, their associates and successors, trustees of the fund of the Odd Fellows' Hall Association in Lynn, are hereby made a corporation under the name of the Lynn Odd Fellows' Hall Association, for the purpose of managing and administering the funds belonging to said association, and of building and maintaining a hall, according to the terms of their trust; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved May 15, 1869.***Chap. 290 AN ACT TO AUTHORIZE ELISHA NELSON AND OTHERS TO BUILD A WHARF IN PLYMOUTH.***Be it enacted, &c., as follows :***May build wharf in Plymouth.**

SECTION 1. License is hereby granted to Elisha Nelson, Henry Sherman and Charles Nelson, or any one of them or their assigns, to build a wharf in Plymouth one thousand and fifty feet in length, and not exceeding thirty feet in width, towards the channel known as Goose Point Channel,

and also to build a pier or wharf at the end of the same not more than one hundred and fifty feet square, from land now owned by said parties, between land of Leavitt T. Robbins and land of Jeremiah Murray: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no ways impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Subject to approval of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1869.

AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION AND THE EASTERN RAILROAD COMPANY TO INCREASE THEIR TERMINAL FACILITIES IN THE CITY OF BOSTON, AND FOR OTHER PURPOSES.

Chap. 291

Be it enacted, &c., as follows:

SECTION 1. The Boston and Lowell Railroad Corporation is hereby authorized to take the whole or such portion as it may deem necessary of the tract of land in the city of Boston, bounded by the present passenger station and grounds of said railroad, by Causeway Street, by Lowell Street and by the freight station and grounds of said railroad, for the purpose of increasing depot and terminal facilities; and said corporation shall be authorized to discontinue, and to occupy for railroad purposes, the streets embraced in the land so taken.

May take possession of certain land in Boston to increase depot and terminal facilities.

May discontinue streets.

SECTION 2. Said Boston and Lowell Railroad Corporation is hereby authorized to construct a new bridge, not exceeding forty feet in width, across Charles River, or to widen the existing bridges of said corporation by adding thereto not exceeding forty feet in width, so as to furnish suitable additional means of access to their terminal grounds in Boston, subject to the approval of the harbor commissioners.

May construct new bridge across Charles River or widen existing bridges

SECTION 3. Said Boston and Lowell Railroad Corporation is hereby authorized to sell and convey to the Eastern Railroad Company the present passenger station in Boston of said Boston and Lowell Railroad Corporation, and the bridge leading thereto, which bridge said Eastern Railroad Company is hereby authorized to improve and widen to a width not exceeding forty feet, subject to the approval of the harbor

May sell passenger station and bridge to Eastern Railroad.

Eastern Railroad may widen bridge.

Boston and Lowell road may sell land to E. R. R.

commissioners; and also to sell and convey to said Eastern Railroad Company so much of their land in Boston and Cambridge, and of the land by this act authorized to be taken, as may be required for the reasonable terminal facilities of said company.

May take southerly and westerly portion of land, and E. R. R. may take remainder of land and other property.

SECTION 4. If it shall be deemed necessary by said corporations for the better accomplishment of the purposes of this act, the said Boston and Lowell Railroad Corporation is authorized to take the southerly and westerly portion of the land bounded in the first section of this act, and thereupon, and within one year thereafterward the said Eastern Railroad Company is authorized to take the remaining portion of the land so bounded, and also the bridge and passenger station herein authorized to be sold to them by said Boston and Lowell Railroad Corporation, and also so much of the eastern extremity of the Mill Pond wharf estate belonging to said Boston and Lowell Railroad Corporation, and also such portions of the land between said wharf estate and the present passenger station of said Boston and Lowell Railroad Corporation as may be essential to furnish reasonable means of access to the new terminal facilities of said Eastern Railroad Company: *provided*, that the Boston and Lowell Railroad Corporation shall not be disturbed in its said grounds and depot until the expiration of two years from the time the said Boston and Lowell Railroad Corporation shall take the land for new terminal facilities herein authorized to be taken by them.

Proviso.

Commissioners to be appointed by S. J. C.

SECTION 5. The laws of the Commonwealth relating to the taking of lands for railroad purposes and the location and construction of railroads, shall be applicable to, and govern the proceedings in, the taking of the lands described in the preceding sections; except that instead of the county commissioners, three disinterested persons shall be appointed by the supreme court as a board of commissioners, to adjudicate the damages for the taking of said lands and property, from whose decision an appeal to a jury shall lie in behalf of either party, as is provided in cases of lands taken for railroad purposes.

Time for taking land limited to three years.

SECTION 6. The time within which the land herein described may be taken by virtue of the provisions of this act, shall be limited to the term of three years; and no owner of any portion of the land taken under the provisions of this act shall be compelled to vacate his premises until four months after having received a legal notice so to do.

SECTION 7. Said Boston and Lowell Railroad Corporation and said Eastern Railroad Company, respectively, are hereby authorized, by a vote of their stockholders, at meetings duly called for the purpose, to increase their capital stock beyond the amount otherwise authorized by law, not exceeding one million of dollars, on the part of said Boston and Lowell Railroad Corporation, and not exceeding one million of dollars on the part of said Eastern Railroad Company.

Lowell and Eastern may each increase capital stock one million dollars.

SECTION 8. The Boston and Lowell Railroad Corporation, and the Eastern Railroad Company, are hereby authorized and required forthwith to cause to be made, at the expense of said corporations respectively, in lieu of the existing draws in the bridges of said corporations crossing Charles River, and also to construct in any new bridge that may be built under the provisions of the second section of this act, a draw in each bridge with a clear passage-way of forty-four feet in width, in such position, and of such form and construction, and with such changes in the draw-piers and bridges connected with the draws as may become necessary or advisable in removing old, and in building and maintaining new draws, as the harbor commissioners shall determine; and all duties and liabilities now imposed by law upon said corporations with respect to the existing draws in said bridges shall be held to apply to such newly constructed draws.

To construct draws forty-four feet wide in lieu of present draws.

SECTION 9. The Eastern Railroad Company is hereby authorized and required forthwith, to cause to be made at the expense of said corporation, in lieu of the existing draw in the bridge of said company crossing Miller's River, south of Prison Point Bridge, so called, a draw with a clear passage-way of forty-four feet in width, in such position and of such form and construction, and with such changes in the draw-piers and bridge connected with said draw, as may become necessary or advisable in removing the old and in building and maintaining such new draw, as the harbor commissioners shall determine; and all duties and liabilities now imposed by law upon said company with respect to the existing draw in said bridge, shall be held to apply to such newly constructed draw.

E. R. R. to construct draw forty-four feet wide in bridge over Miller's River, south of Prison Point Bridge.

SECTION 10. Lands acquired, taken or purchased by either of said corporations under this act, shall not be exempt from taxation.

Lands taken or purchased not exempt from taxation.

SECTION 11. This act shall take effect upon its passage.

Approved May 19, 1869.

Chap. 292**AN ACT RELATING TO FEMALE MINORS.***Be it enacted, &c., as follows :*

A female minor eighteen years old may join with her guardian in making marriage contract, &c.
Property to be held by trustees.

SECTION 1. Any female minor who has attained the age of eighteen years, may join with her guardian in making a marriage contract or settlement of the property of such minor, in contemplation of marriage, and for such purpose the guardian and ward may convey the real and personal estate of the ward to trustees, who are to be approved by the judge of the probate court having jurisdiction over said minor, to be held upon the trusts declared in such marriage contract or settlement, which conveyance shall be of like effect as if said minor was of full age ; and the guardian, in the settlement of his accounts, shall be allowed by the probate court for all property so conveyed to said trustees ; and the judge of probate may require said trustees to give bond, with sufficient sureties, for the faithful discharge of their trust.

Judge of probate may require bond of trustees.

SECTION 2. This act shall take effect upon its passage.

*Approved May 19, 1869.***Chap. 293****AN ACT IN FURTHER ADDITION TO "AN ACT TO ESTABLISH THE MASSACHUSETTS WAR FUND, AND TO CREATE A SINKING FUND FOR ITS REDEMPTION."***Be it enacted, &c., as follows :*

Interest on scrip of Mass. War Fund payable in January and July.

SECTION 1. The interest upon the scrip or certificates of debt authorized to be issued by the ninety-first chapter of the acts of the present year, entitled "An Act in addition to an Act to establish the Massachusetts War Fund, and to create a Sinking Fund for its redemption," shall be payable semi-annually on the first days of January and July in each year, instead of the times named in said act.

SECTION 2. This act shall take effect upon its passage.

*Approved May 19, 1869.***Chap. 294****AN ACT TO REVIVE THE BLACKSTONE BANK OF UXBRIDGE FOR CERTAIN PURPOSES.***Be it enacted, &c., as follows :*

Charter revived for purpose of making conveyance to Blackstone National Bank of Uxbridge.

SECTION 1. The existence of the corporation heretofore known as the President, Directors and Company of the Blackstone Bank and located in Uxbridge, is hereby revived and continued for the purpose of enabling the president and directors of said Blackstone Bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the Blackstone National Bank of said Uxbridge, any real estate or interests therein of the said Blackstone Bank ; and for no other purpose whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1869.

AN ACT TO REVIVE THE MERCHANTS' BANK OF BOSTON FOR CERTAIN PURPOSES.

Chap. 295

Be it enacted, &c., as follows :

SECTION 1. The existence of the corporation heretofore known as the President, Directors and Company of the Merchants' Bank, and located in Boston, is hereby revived and continued for the purpose of enabling the president and directors of said Merchants' Bank at the time when the same became an association for the carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the Merchants' National Bank of Boston any real estate or interests therein of the said Merchants' Bank, and for no other purpose whatever.

Charter revived for purpose of making conveyance to Merchants' National Bank of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1869.

AN ACT TO AMEND AN ACT TO INCORPORATE THE WORCESTER SAFE DEPOSIT COMPANY.

Chap. 296

Be it enacted, &c., as follows :

SECTION 1. The corporate name of the "Worcester Safe Deposit Company" is hereby changed to the "Worcester Safe Deposit and Trust Company," to be located in the city of Worcester, and said corporation is authorized to exercise the powers and discharge the duties hereinafter granted and imposed, in addition to those set forth in its original act of incorporation ; and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force in relation to such corporations.

Name changed to Worcester Safe Deposit and Trust Company.

SECTION 2. The said corporation shall have power to receive and hold moneys or property in trust or on deposit from courts of law or equity, including courts of probate and insolvency, executors, administrators, assignees, guardians, trustees, corporations or individuals, upon such terms or conditions as may be obtained or agreed upon ; but shall not be allowed to receive deposits for accumulations for a longer time than thirty years.

Powers and duties.

May hold trust property or deposits from courts.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency, of this Commonwealth, may by decree or otherwise, direct any moneys or properties under its control, or that may be paid into court by the parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent.

Court may order moneys, &c., under its control to be deposited with company.

Proviso.

Company may invest in U. S. and New England securities, first mortgage bonds of Mass. railroads, &c.

May loan on mortgages of real estate, &c.

To make return to commissioner of savings banks amount of capital, &c.

Commissioner to have access to books, &c.

Liabilities.

Taxes.

SECTION 4. It shall be lawful for said corporation to invest its capital stock and all the moneys entrusted to it, or in any way received by it, in the authorized loans of the United States or any of the New England states, or cities or towns of said states, and in the stock of national banks, or other banks organized within this Commonwealth, in the first mortgage bonds of any railroad company incorporated in this Commonwealth, which has earned and paid regular dividends for two years next preceding such investment, or in the bonds of any such railroad company as is unincumbered by mortgage, or in the stock of any such railroad companies; and the said corporation may make loans upon mortgages on real estate within this Commonwealth or upon the notes of corporations created under the laws of this Commonwealth, and the notes of individuals, with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgages or by levy of execution shall be sold by public auction within two years of such foreclosure or levy.

SECTION 5. The said corporation shall semi-annually make a return to the commissioner of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors, of the full amount of its capital stock and of all moneys and property in detail, in the possession or charge of said company as deposits, trust funds or for purposes of investment; and the commissioner of savings banks shall have access to the vaults, books and papers of this corporation, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them, in the same manner and to the same extent as if this corporation were a savings bank, subject to all the general laws which now are or hereafter may be in force relative to such institutions in this regard.

SECTION 6. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing or that may hereafter be passed in amendment or lieu thereof; and the taxes upon all personal property absolutely committed in trust to the management of said corporation, shall be assessed to said corporation in the manner prescribed for personal property held in trust, or belonging to persons under guardianship, in section twelve of chapter eleven of the General Statutes of this Commonwealth, or in any acts which may hereafter be passed in lieu

or amendment thereof. Said corporation shall, annually, between the first and tenth days of May, return to the tax commissioners a true statement, attested by the oath of some officer of the corporation, of all money and property in detail so held in trust, on deposit and for safe keeping, with the names and residences of the beneficiaries or owners and the interest of each beneficiary or owner therein, on the first day of May of that year, under the penalties and provisions for the enforcement thereof provided in section fourteen, chapter two hundred and eighty-three, acts of eighteen hundred and sixty-five, or the acts in addition thereto for corporations failing to make the returns required by said act. Said commissioner shall, on or before the twentieth of June in each year, cause to be printed and sent to the assessor of each town and city in the Commonwealth, a true copy of said return.

To make detailed return to tax commissioners of property, &c., held in trust.

Commissioner to send copy of return to assessors.

SECTION 7. The said corporation is also authorized to act as agent, for the purpose of issuing, registering or countersigning the certificates of stocks, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, and to receive and make payments on account of the same, on such terms as may be agreed upon.

May act as agent to issue bonds, &c., for corporations.

SECTION 8. Section two of the original act of incorporation of the Worcester Safe Deposit Company, and so much of section three of said act as relates to the investment of the capital stock of said corporation, are hereby repealed.

Repeal.

SECTION 9. The capital stock of said corporation, to the amount of two hundred thousand dollars, shall be paid in in cash on or before the first day of October, in the year eighteen hundred and sixty-nine.

\$200,000 of capital stock to be paid in by Oct. 1, 1869.

SECTION 10. This act shall take effect whenever the stockholders of the Worcester Safe Deposit Company, at a meeting called for the purpose, in accordance with the by-laws of said corporation, of which a written or printed notice signed by the secretary, and stating the purpose of the meeting, shall be mailed to the address of each stockholder, at his last and usual place of residence, seven days at least before the time of said meeting, and at which two-thirds of the stock shall be represented, shall have voted to accept this amendment.

When to take effect.

And thereupon, a certificate thereof duly signed and sworn to by the president, secretary and a majority of the directors of said corporation, shall be filed with the secretary of state, stating that said amendment has been accepted.

Approved May 19, 1869.

Chap. 297 AN ACT TO AUTHORIZE THE WARE RIVER RAILROAD COMPANY TO MORTGAGE ITS ROAD.*Be it enacted, &c., as follows :*May mortgage
railroad as
security for pay-
ment of bonds.

SECTION 1. The Ware River Railroad Company is hereby authorized to mortgage its railroad, or any section or sections thereof, together with its property, rights and franchise, to secure any bonds that may be at any time issued by said corporation in accordance with the laws of this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1869.***Chap. 298 AN ACT TO AUTHORIZE THE CONNECTICUT RIVER RAILROAD COMPANY TO CHANGE THE LOCATION OF ITS RAILROAD IN HOLYOKE AND TO INCREASE ITS CAPITAL STOCK.***Be it enacted, &c., as follows :*May change
location in
Holyoke.

SECTION 1. The Connecticut River Railroad Company is hereby authorized to change the location of its railroad for a distance of about one mile, in the town of Holyoke, by removing the same from the Connecticut River ; commencing near, and extending southerly from the old dam, so called, in the pond of the Holyoke Water Power Company. Said new location shall be filed within one year from the passage of this act.

New location to
be filed within
one year.Powers and
duties.

SECTION 2. Said company in locating, constructing and operating that portion of its railroad herein authorized, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities provided in its charter and in all general laws relating to railroad corporations.

\$100,000 addi-
tional capital
stock.

SECTION 3. For the purpose indicated in the first section of this act, and for raising the grade of its railroad, and protecting the same against the floods of the Connecticut River, said company is hereby authorized to increase its capital stock, from time to time, by adding thereto a sum not exceeding one hundred thousand dollars.

SECTION 4. This act shall take effect upon its passage.

*Approved May 22, 1869.***Chap. 299 AN ACT TO AUTHORIZE THE BOSTON, CLINTON AND FITCHBURG RAILROAD COMPANY TO ISSUE BONDS.***Be it enacted, &c., as follows :*May issue bonds
and secure the
same by mort-
gage of road,
franchise, &c.

SECTION 1. The Boston, Clinton and Fitchburg Railroad Company is hereby authorized to issue bonds not exceeding two hundred and fifty thousand dollars in amount, payable at such times as may be fixed therein, not exceeding twenty years from their respective dates, with interest not exceeding the rate of seven per cent. per annum, payable semi-annually,

and to secure the same by a mortgage of its road, equipments and franchise, or of any of its property, real or personal.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1869.

AN ACT TO INCORPORATE THE NEWBURYPORT PRINTING COMPANY.

Chap. 300

Be it enacted, &c., as follows:

SECTION 1. Robert Couch, William A. Little, Philip K. Hills, their associates and successors, are hereby made a corporation by the name of the Newburyport Printing Company, for the purpose of printing and publishing newspapers, and executing job printing, at Newburyport; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, divided into shares of one hundred dollars each; and said corporation may hold real estate, necessary and convenient for its purposes, to the amount of ten thousand dollars. Said corporation shall not go into operation or incur any liability until the sum of ten thousand dollars has been paid in in cash.

Capital stock and shares.

Real estate.

Not to go into operation until \$10,000 has been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved May 22, 1869.

AN ACT RELATING TO VEHICLES AND ITINERANT MUSICIANS IN CITIES AND TOWNS.

Chap. 301

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of any city, and the selectmen of any town, may make such rules and regulations in relation to the passage of carriages, wagons, carts, trucks, sleds, sleighs or other vehicles, through the streets or public ways of the city as they shall deem necessary for the safety or convenience of those who travel on said streets or ways, on foot or in vehicles, with penalties for violations thereof, not exceeding twenty dollars for one offence.

Cities and towns may regulate passage of vehicles through streets.

Penalty.

SECTION 2. The mayor and aldermen of any city may adopt rules and orders not inconsistent with the laws of this Commonwealth for the regulation and control of persons who shall, after the passage of this act, frequent the streets and public places in said city, playing on hand-organs or other musical instruments, beating drums or blowing trumpets, with penalties for violations thereof, not exceeding twenty dollars for each offence.

—may make regulations concerning street musicians.

Penalty.

Approved May 22, 1869.

Penalty.

parcel, while loading, transporting, unloading, delivering, or storing the same, shall be punished by a fine not exceeding fifty dollars.

Approved May 26, 1869.

Chap. 308**AN ACT CONCERNING RAILROAD BRIDGES AND BRIDGE GUARDS.**

Be it enacted, &c., as follows :

Bridges over railroads to be not less than eighteen feet high, except, &c.

SECTION 1. No bridge shall hereafter be constructed over any railroad in this Commonwealth at a height less than eighteen feet above the track of such railroad, except by the written consent of the county commissioners of the county within which such bridge shall be located.

Bridge guards to be erected where bridges are less than eighteen feet in height.

SECTION 2. Every railroad corporation shall, within six months from the passage of this act, erect and thereafter maintain suitable bridge guards at every bridge over its railroad, less than eighteen feet in height above the track, such bridge guards to be approved by the county commissioners of the county within which such bridge is located, and to be erected and adjusted to the satisfaction of such commissioners.

Penalty for neglect.

SECTION 3. Any railroad corporation refusing or neglecting to comply with the provisions of this act, shall, for each month of continuance in such refusal or neglect, forfeit and pay the sum of fifty dollars, to be recovered by indictment.

Approved May 26, 1869.

Chap. 309**AN ACT TO PROVIDE FOR THE PROPER AUDITING OF LEGISLATIVE EXPENSES.**

Be it enacted, &c., as follows :

Accounts of expenditures ordered by legislature, by whom to be approved.

SECTION 1. Accounts for expenditures incurred or services rendered, other than by legislative committees, under an order of either or both branches of the legislature, may be approved by the presiding officer of the branch by which the same is passed, or by the sergeant-at-arms or other person or persons, if specially intrusted with their direction or supervision, and thereupon the auditor shall audit and certify the same for allowance and payment. But no such order shall authorize the expenditure of more than one hundred dollars, unless a specific appropriation of a larger sum has been previously made.

Not more than one hundred dollars to be expended without specific appropriation.

Travelling and other expenses of committees.

SECTION 2. Accounts for expenditures incurred by committees of the legislature, either for travelling, clerical or contingent purposes, during a regular or special session, may be approved by the chairman thereof, or by the sergeant-at-arms, if the latter is cognizant of the same, and upon such approval the auditor shall audit and certify said accounts for allowance and payment.

SECTION 3. Accounts for expenditures incurred by committees of the legislature appointed to act during the recess, may be approved by the chairman thereof, or other person or persons duly authorized to approve the same, and upon such approval the auditor shall audit and certify said accounts for allowance and payment; and the compensation for the services of such committees shall be determined and approved in accordance with the provisions of section forty-seven of chapter fifteen of the General Statutes; but no such committees shall incur any liability in behalf of the state after the close of the recess during which they may have been appointed to act.

Expenditures by committees during recess of legislature.

SECTION 4. Section thirty-seven of chapter fifteen of the General Statutes, and all acts or parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE POLICE FOR THE PRESENT YEAR. **Chap. 310**

Be it enacted, &c., as follows :

SECTION 1. The sum of ninety thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation, travelling expenses, clerical, incidental and contingent expenses of the state police, for the year ending December thirty-first, eighteen hundred and sixty-nine.

Appropriation for state police.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO PROVIDE FOR THE WIDENING OF THE DRAWS IN CERTAIN BRIDGES ON CHARLES AND MILLER'S RIVERS BY THE CITIES OF CAMBRIDGE AND CHARLESTOWN. **Chap. 311**

Be it enacted, &c., as follows :

SECTION 1. The city of Cambridge is hereby authorized and required forthwith to cause to be made, at the expense of said city, in lieu of the existing draws in the West Boston Bridge and the Canal or Craigie Bridge over Charles River, and the Prison Point Bridge over Miller's River, a draw in each of said bridges with a clear passage-way of forty-four feet in width, in such position and of such form and construction, and with such changes in the draw-piers and bridges connected with said draws as may become necessary or advisable in removing old and in building and maintaining new draws, as the harbor commissioners may determine; and all duties and liabilities now imposed by law upon said city of Cambridge, with respect to existing draws in said

Draw-bridges over Charles and Miller's Rivers to be widened by Cambridge and Charlestown.

bridges, shall be held to apply to such newly constructed draws.

Charlestown to contribute towards cost of draw in Prison Point Bridge.

SECTION 2. The city of Charlestown shall contribute to the cost of building and maintaining the draw in Prison Point Bridge in such proportion as they are now required by law to contribute toward the repair of the present draw.

SECTION 3. This act shall take effect upon its passage.

Approved May 28, 1869.

Chap. 312 AN ACT CONCERNING SEWERS AND DRAINS IN THE TOWN OF ARLINGTON.

Be it enacted, &c., as follows :

May take and widen brook for purposes of sewerage.

SECTION 1. The selectmen of the town of Arlington may, for the purposes of sewerage and drainage in said town, take the brook running easterly through lands of the heirs of Thomas H. Tiel and others in said town, and devote the same, with the waters thereof, to the purposes aforesaid; and they may also take all necessary land, widen, straighten and deepen the channel of said brook, and may divert the course thereof across Main Street into Cutter's Pond, and pave, enclose and cover the same.

To proceed as in taking land for town ways.

SECTION 2. In taking said brook and land for the purposes aforesaid, said selectmen shall proceed in the manner required by law in taking land for town ways; and persons suffering damage in their property shall have the same rights and remedies for the ascertainment and recovery of such damages provided by law for the ascertainment and recovery of damages for lands taken for town ways.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1869.

Chap. 313 AN ACT TO AUTHORIZE THE MANSFIELD AND FRAMINGHAM RAILROAD COMPANY TO ISSUE BONDS.

Be it enacted, &c., as follows :

May issue bonds to the amount of \$300,000 and secure by mortgage.

SECTION 1. The Mansfield and Framingham Railroad Company is hereby authorized to issue bonds not exceeding three hundred thousand dollars in amount, payable at such times as may be fixed therein, not exceeding twenty years from their respective dates, with interest not exceeding the rate of seven per cent. per annum, payable semi-annually, and to secure the same by a mortgage of its road, equipments and franchise, or of any of its property, real or personal.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE WINTHROP RAILROAD. *Chap. 314*

Be it enacted, &c., as follows:

SECTION 1. All the rights, privileges, liabilities, duties and restrictions granted to or imposed upon the Winthrop Railroad Company, by chapter eighty-nine of the acts of the year eighteen hundred and sixty-one, and all subsequent acts in relation thereto, subject to any modifications made by any general law relating to horse railways, are hereby revived; and the time for the location and construction of said road is hereby extended to the first day of June, in the year eighteen hundred and seventy-one.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO SUBSCRIBE TO THE STOCK OF CERTAIN RAILROAD COMPANIES, AND FOR OTHER PURPOSES. *Chap. 315*

Be it enacted, &c., as follows:

SECTION 1. The New London Northern Railroad Company is hereby authorized by a vote of a majority of its stockholders, at a legal meeting called for that purpose, to subscribe to the capital stock of the Springfield and Longmeadow Railroad Company, or to the stock of the Rockville and Springfield Railroad Company, or to the stock of a railroad company which may hereafter be chartered in the state of Connecticut to connect the New London Northern Railroad Company with said Springfield and Longmeadow Railroad Company, or with said Rockville and Springfield Railroad Company; and also to subscribe for or to guarantee the bonds of all or either of said railroad companies; and also to subscribe to the stock or bonds, or to guarantee the bonds of The Ware River Railroad Company, and the Athol and Enfield Railroad Company.

New London Northern Railroad may take stock and bonds in certain other railroads.

SECTION 2. Said New London Northern Railroad Company is hereby authorized by a vote of a majority of its stockholders, at a legal meeting called for that purpose, to purchase, consolidate with, or lease either or all of the aforesaid railroads and the franchises of said railroad companies, and upon such lease or purchase The New London Northern Railroad Company shall have all the rights and privileges, and be subject to all the duties and liabilities contained in the charters of the corporations whose road or roads are so leased or purchased.

—may consolidate with or lease same railroads.

SECTION 3. Said New London Northern Railroad Company is hereby authorized to issue its bonds to an amount not exceeding four hundred thousand dollars, at a rate of interest

—may issue bonds to the amount of \$400,000.

not exceeding seven per cent. per annum, and to secure the same by a mortgage of the road and franchise and equipment of said company; and the amount of the subscriptions by said New London Northern Railroad Company to the stock and bonds of either or all of said railroad companies, as herein before authorized, shall not exceed in the whole the sum of four hundred thousand dollars.

Approved May 26, 1869.

Chap. 316 AN ACT AUTHORIZING THE SPRINGFIELD AND LONGMEADOW RAILROAD COMPANY TO CONSOLIDATE, AND CHANGE ITS NAME.

Be it enacted, &c., as follows:

May consoli-
date with rail-
road to be char-
tered by Con-
necticut.

SECTION 1. The Springfield and Longmeadow Railroad Company is hereby authorized to consolidate and make joint stock with any railroad corporation which may be chartered by the state of Connecticut to construct and operate a railroad uniting with the road of said Springfield and Longmeadow Railroad Company on the southern boundary of this Commonwealth: *provided*, that three-fourths in interest of the stockholders present and voting at a meeting duly called for that purpose, shall so determine.

Provide.

New corpora-
tion may take
name of Spring-
field and New
London Rail-
road Company.

SECTION 2. The corporation thus formed may take the name of the Springfield and New London Railroad Company, and shall have all the powers and privileges, and be subject to all the restrictions, duties and liabilities of the two corporations. One or more of the officers of the consolidated company shall be resident in this Commonwealth, and one or more of them in the state of Connecticut, on whom process against the company may be legally served in either state; and said corporation shall be held to answer in the jurisdiction wherein such service shall be made and the process is returnable.

Annual reports.

SECTION 3. The annual reports made by said new corporation to the legislature, shall show the amount of expenditures, receipts and profits which belong to the parts of its road, situated in the different states, respectively.

If consolidated,
Springfield may
take stock in
new company.

SECTION 4. In case such consolidation takes place, the city council of the city of Springfield is hereby authorized to subscribe for and hold shares in the capital stock of the consolidated company, or loan its credit to the same, by guaranteeing its bonds or stock in the same manner and to the same extent as said city shall by vote determine to do, respecting the stock and bonds of the Springfield and Longmeadow Railroad Company; the said stock and bonds of said consolidated railroad company to be in lieu of the stock and bonds of the Springfield and Longmeadow Railroad Company.

SECTION 5. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO AUTHORIZE THE FITCHBURG AND WORCESTER RAILROAD COMPANY TO ISSUE BONDS.

Chap. 317

Be it enacted, &c., as follows:

SECTION 1. The Fitchburg and Worcester Railroad Company is hereby authorized to issue bonds, not exceeding two hundred and fifty thousand dollars in amount, payable at such times as may be fixed therein, not exceeding twenty years from their respective dates, with interest not exceeding the rate of seven per cent. per annum, payable semi-annually, and to secure the same by a mortgage of its railroad, equipments and franchise, or of any of its property, real or personal.

May issue bonds to amount of \$250,000, and mortgage road as security.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT AUTHORIZING THE VERMONT AND MASSACHUSETTS AND CHESHIRE RAILROAD COMPANIES TO CONSTRUCT AND MAINTAIN TRACKS ON THE LINE OF THEIR RAILROADS, AND FOR OTHER PURPOSES.

Chap. 318

Be it enacted, &c., as follows:

SECTION 1. The Vermont and Massachusetts Railroad Company is hereby authorized to locate, construct, maintain and use a railroad track or tracks, commencing at some convenient point on the line of its road between Westminster depot and Forbush's Crossing; thence running northerly to a point near Daniel Adams' house and east of the same, and southerly of Austin Whitney's house; thence running westerly to some point on the line of its road north of South Ashburnham depot; or thence to some point on the line of their road in Gardner, Templeton or Winchendon.

To construct tracks on line of road between Westminster depot and Forbush's Crossing and S. Ashburnham, Gardner, Templeton or Winchendon.

SECTION 2. Said corporation is hereby authorized to extend its railroad from Ashburnham Junction, so called, in the town of Ashburnham, to some point on its railroad in the town of Gardner, Templeton or Winchendon, by locating and constructing a railroad over such land as the directors may deem expedient.

—may extend road from Ashburnham Junction to Gardner, Templeton or Winchendon.

SECTION 3. Said corporation is hereby authorized to purchase or lease for a term of years, or perpetually, from the Cheshire Railroad Company, the right to occupy and use, in common with said Cheshire Railroad Company, its track or tracks between said Ashburnham Junction and some point on the line of its railroad in Winchendon, to be agreed upon by the parties, or the right to use the location of the latter company between said points for a separate track or tracks, or for such joint or separate use of said Cheshire Railroad location between said points as may be agreed upon by the parties.

—may purchase or lease from Cheshire R. R. Co. right to use tracks between Ashburnham Junction and Winchendon.

—may sell or lease to Cheshire R. R. Co. right to use tracks between Ashburnham Junction and Fitchburg.

—may construct road in Royalston or Winchendon, or Winchendon or Ashburnham, provided, &c.

Changes of location not to impair rights of Vt. and Mass. R. R. Co.

Privileges and restrictions.

Damages.

Time for location and construction.

SECTION 4. Said Vermont and Massachusetts Railroad Company is hereby authorized to sell or lease for a term of years, or perpetually, to the Cheshire Railroad Company, the right to occupy and use, in common with said Vermont and Massachusetts Railroad Company, its track or tracks between said Ashburnham Junction and the termination of its railroad in Fitchburg, or the right to use the location of the latter company between said points for a separate track or tracks, or for such joint or separate use of said Vermont and Massachusetts Railroad and location between said points as may be agreed upon by the parties.

SECTION 5. In case said Vermont and Massachusetts Railroad Company shall make any purchase or lease under the authority of section three of this act, the said corporation is hereby authorized to locate and construct a branch of the railroad from some point thereof in the town of Royalston or Winchendon, to some point on the Cheshire Railroad in the town of Winchendon or Ashburnham.

SECTION 6. Such changes or new location shall not impair any rights or interests of the Vermont and Massachusetts Railroad Company, but said corporation shall retain and operate its railroad as already located and constructed west of Ashburnham Junction.

SECTION 7. In locating and constructing any railroad under this act, said corporation shall have all the rights and privileges, and be subject to all the duties, liabilities and restrictions given and imposed by its charter, or by any general laws at any time in force in relation to railroads.

SECTION 8. All persons who shall sustain any damages in their property by the locating, constructing or maintaining any railroad under this act, shall have all the remedies provided by law for persons whose land or other property is taken for the construction or maintenance of any railroad.

SECTION 9. The location of any railroad under the provisions of this act shall be filed within two years, and such railroad shall be constructed within five years from the passage of this act.

Approved May 26, 1869.

Chap. 319 AN ACT TO AUTHORIZE THE TOWN OF AMESBURY TO SUBSCRIBE FOR AND HOLD SHARES IN THE CAPITAL STOCK OF THE WEST AMESBURY BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Amesbury may take stock in West Amesbury Branch Railroad.

SECTION 1. The town of Amesbury is hereby authorized by a vote of a majority of the voters present at a legal town meeting duly called and held for that purpose, to subscribe for and hold shares in the capital stock of the West Amesbury Branch Railroad Company, to an amount not exceeding

two per centum of the assessed valuation of said town; and said town may pay for such shares, so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds, or by tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

SECTION 2. The selectmen of said town shall have authority to represent the town in any and all meetings of said railroad company on whatever amount of stock may be held by said town in said company's capital stock, and said town so represented is hereby authorized to vote on the whole amount of the stock held by said town in said company, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen to represent the town in all meetings of said company.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT AUTHORIZING THE BOSTON AND PROVIDENCE RAILROAD CORPORATION TO CONSTRUCT AN ADDITIONAL TRACK FROM BOSTON TO READVILLE IN HYDE PARK, AND TO INCREASE ITS CAPITAL STOCK.

Chap. 320

Be it enacted, &c., as follows :

SECTION 1. The Boston and Providence Railroad Corporation is hereby authorized to locate and construct an additional track on its railroad, from its passenger station on Pleasant Street, in the city of Boston, to its station in Readville in the town of Hyde Park; and for this purpose it may take such additional land as is required to make its location between said points of a width not exceeding four rods, and such other land as may be required for depot accommodations, one of which depots shall be located and placed on the line of the road between Camden and Dartmouth Streets in the city of Boston, with suitable rooms for the accommodation of passengers, ticket office and baggage room, at which station the Boston and Providence Railroad Corporation shall stop all their through passenger trains to and from New York, running in connection with either the shore line or steamboats; and for that purpose may increase its capital stock by a sum not exceeding five hundred thousand dollars: *provided*, that the same be paid in in cash: *provided, also*, that any land taken or purchased outside of the said four rods in width, under this act, shall not be exempt from taxation.

May construct additional track between Boston and Readville.

Depot to be built on line of road between Camden and Dartmouth Streets.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

Chap. 321 AN ACT TO INCORPORATE THE HOPKINTON BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Lee Claflin, Jefferson Pratt, Alvin A. Sweet, their associates and successors, are hereby made a corporation by the name of the Hopkinton Branch Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name.

Powers and duties.

Location from Hopkinton to Ashland.

SECTION 2. Said corporation may locate, construct and maintain a railroad, commencing at some convenient point near the centre of the town of Hopkinton, thence running northerly through the northerly part of said town of Hopkinton, by the most direct and feasible route, to the Boston and Albany Railroad, at or near Indian Brook in the town of Ashland, and to enter by proper turnouts and switches upon the Boston and Albany Railroad, according to the provisions of law.

May connect with Boston and Albany Railroad, &c.

SECTION 3. Said corporation may connect its road with the Boston and Albany Railroad, and may use the same according to law, or may sell and transfer its franchises and all its rights under this act, or lease its road or other property to the Boston and Albany Railroad Corporation, upon such terms as may be agreed upon and confirmed by vote of the majority in interest of the stockholders of said corporations present and voting at a meeting duly called for that purpose.

Capital stock and shares.

SECTION 4. The capital stock of said corporation shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars, the number of which shall be determined, from time to time, by the directors, and said corporation may take and hold such real estate and personal property as may be necessary for the purpose of this act.

Hopkinton may take stock to the amount of \$60,000.

Proviso.

SECTION 5. The town of Hopkinton is hereby authorized to subscribe for and hold shares in the capital stock of the Hopkinton Branch Railroad Company, or guarantee the stock of said company, to the amount of sixty thousand dollars: *provided*, the inhabitants of said town shall, by vote of the majority of the legal voters present and voting thereon, vote to subscribe for such shares, or guarantee the same, in accordance with the terms of this act, to pay for the same out of the treasury of said town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property it may possess.

SECTION 6. Said town of Hopkinton is hereby authorized to raise by loan or tax, any sums of money which shall be required to pay its instalments on its subscriptions to said stock, and interest thereon, or for any other purpose required by the terms of this act.

—may raise by loan or tax the amount required to pay its subscriptions.

SECTION 7. The selectmen of the town of Hopkinton shall have authority to represent said town at any meeting of the Hopkinton Branch Railroad Company, and said town so represented, is hereby authorized to vote on the whole amount of stock held by said town of Hopkinton, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

Selectmen to represent the town at all meetings of said company.

SECTION 8. This act shall take effect upon its passage, and shall be void unless said road is located within two years, and constructed within four years from the passage of this act.

When to take effect.

Approved May 26, 1869.

AN ACT TO INCORPORATE THE TRUSTEES OF BOSTON UNIVERSITY.
Be it enacted, &c., as follows :

Chap. 322

SECTION 1. Isaac Rich, Lee Claffin, Jacob Sleeper, their associates and successors, are hereby constituted a body corporate by the name of the Trustees of Boston University, and they and their successors, and such as shall be duly elected members of said corporation, shall be and remain a body corporate by that name forever. And for the orderly conducting of the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices; and also to remove any trustee from the said corporation, when in their judgment he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also to elect new members of said corporation. The number of members shall never be less than ten nor greater than thirty, and their qualifications and term of service shall be fixed at the first meeting of the corporation.

Corporators.

Trustees to elect officers, declare duties and tenures of office, and remove officers.

Corporation not to exceed thirty.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be held, and the manner of notifying the trustees to convene at such meetings; and also to establish boards of instruction in all departments of science and the arts, to elect a president of said university, and such professors, tutors, instructors and other university officers, as

—to determine time, place and manner of notifying and holding meetings by trustees, and establish boards of instruction in all departments of science, &c.

Chap. 321 AN ACT TO INCORPORATE THE HOPKINTON BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. Lee Claflin, Jefferson Pratt, Alvin A. Sweet, their associates and successors, are hereby made a corporation
Name.	by the name of the Hopkinton Branch Railroad Company;
Powers and duties.	with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.
Location from Hopkinton to Ashland.	SECTION 2. Said corporation may locate, construct and maintain a railroad, commencing at some convenient point near the centre of the town of Hopkinton, thence running northerly through the northerly part of said town of Hopkinton, by the most direct and feasible route, to the Boston and Albany Railroad, at or near Indian Brook in the town of Ashland, and to enter by proper turnouts and switches upon the Boston and Albany Railroad, according to the provisions of law.
May connect with Boston and Albany Railroad, &c.	SECTION 3. Said corporation may connect its road with the Boston and Albany Railroad, and may use the same according to law, or may sell and transfer its franchises and all its rights under this act, or lease its road or other property to the Boston and Albany Railroad Corporation, upon such terms as may be agreed upon and confirmed by vote of the majority in interest of the stockholders of said corporations present and voting at a meeting duly called for that purpose.
Capital stock and shares.	SECTION 4. The capital stock of said corporation shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars, the number of which shall be determined, from time to time, by the directors, and said corporation may take and hold such real estate and personal property as may be necessary for the purpose of this act.
Hopkinton may take stock to the amount of \$60,000.	SECTION 5. The town of Hopkinton is hereby authorized to subscribe for and hold shares in the capital stock of the Hopkinton Branch Railroad Company, or guarantee the stock of said company, to the amount of sixty thousand dollars: <i>provided</i> , the inhabitants of said town shall, by vote of the majority of the legal voters present and voting thereon, vote to subscribe for such shares, or guarantee the same, in accordance with the terms of this act, to pay for the same out of the treasury of said town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property it may possess.
Proviso.	

SECTION 6. Said town of Hopkinton is hereby authorized to raise by loan or tax, any sums of money which shall be required to pay its instalments on its subscriptions to said stock, and interest thereon, or for any other purpose required by the terms of this act.

—may raise by loan or tax the amount required to pay its subscriptions.

SECTION 7. The selectmen of the town of Hopkinton shall have authority to represent said town at any meeting of the Hopkinton Branch Railroad Company, and said town so represented, is hereby authorized to vote on the whole amount of stock held by said town of Hopkinton, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

Selectmen to represent the town at all meetings of said company.

SECTION 8. This act shall take effect upon its passage, and shall be void unless said road is located within two years, and constructed within four years from the passage of this act.

When to take effect.

Approved May 26, 1869.

AN ACT TO INCORPORATE THE TRUSTEES OF BOSTON UNIVERSITY.
Be it enacted, &c., as follows :

Chap. 322

SECTION 1. Isaac Rich, Lee Clafin, Jacob Sleeper, their associates and successors, are hereby constituted a body corporate by the name of the Trustees of Boston University, and they and their successors, and such as shall be duly elected members of said corporation, shall be and remain a body corporate by that name forever. And for the orderly conducting of the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices; and also to remove any trustee from the said corporation, when in their judgment he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also to elect new members of said corporation. The number of members shall never be less than ten nor greater than thirty, and their qualifications and term of service shall be fixed at the first meeting of the corporation.

Corporators.

Trustees to elect officers, declare duties and tenures of office, and remove officers.

Corporation not to exceed thirty.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be held, and the manner of notifying the trustees to convene at such meetings; and also to establish boards of instruction in all departments of science and the arts, to elect a president of said university, and such professors, tutors, instructors and other university officers, as

—to determine time, place and manner of notifying and holding meetings by trustees, and establish boards of instruction in all departments of science, &c.

—may purchase and erect buildings, and make rules and by-laws, and regulate the courses of instruction.

Degrees, how conferred.

Corporation may have a common seal, sue and be sued.

—may hold real and personal estate.

—annual income not to exceed \$100,000.

—rents and profits to go to endowment of college.

No religious test required.

they shall judge for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their respective offices. And the said corporation is further empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said university; and also to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties, for the good government of the said university, and for the regulation of their own body; and also to determine and regulate the courses of instruction in said university, and to confer degrees; but no degree shall be conferred except upon the recommendation of the appropriate faculty.

SECTION 3. The said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law as the deeds of said corporation; and said corporation may sue and be sued in all actions, real, personal and mixed, and may prosecute the same to final judgment and execution by the name of the Trustees of Boston University; and said corporation may take and hold in fee simple, or any less estate, by gift, grant, devise, bequest or otherwise, any land, tenements, or other estate, real or personal; but the clear annual income of the same shall not exceed one hundred thousand dollars.

SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the maintenance and endowment of said university, in such manner as shall most effectually promote virtue and piety, and learning in such of the languages and of the liberal and useful arts and sciences, as shall be recommended from time to time by the said corporation, they conforming to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed for any particular object connected with the university.

SECTION 5. No instructor in said university shall ever be required by the trustees to profess any particular religious opinions as a test of office, and no student shall be refused admission to, or denied any of the privileges, honors or degrees of said university on account of the religious opinions which he may entertain; but this section shall not apply to the Theological Department of said university.

SECTION 6. The legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers vested by this act in the said corporation, as shall be found necessary to promote the best interests of said university, and more especially may appoint and establish overseers or visitors of the said university, with all necessary powers for the better aid, preservation and government of the same.

Legislature
may control
powers granted
by this act.

SECTION 7. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO INCORPORATE THE WAKEFIELD SAVINGS BANK.

Chap. 323

Be it enacted, &c., as follows:

SECTION 1. Cyrus Wakefield, Daniel Allen and M. S. Southworth, their associates and successors, are hereby made a corporation by the name of The Wakefield Savings Bank, to be located in the town of Wakefield; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

Corporators.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO AUTHORIZE THE LYNN INSTITUTION FOR SAVINGS TO HOLD REAL ESTATE.

Chap. 324

Be it enacted, &c., as follows:

SECTION 1. The Lynn Institution for Savings, located in the city of Lynn, is hereby authorized to hold real estate to the amount of seventy-five thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May hold
\$75,000 in real
estate.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BOSTON PROVIDENT ASSOCIATION.

Chap. 325

Be it enacted, &c., as follows:

SECTION 1. The Boston Provident Association is hereby authorized to hold real and personal estate to the amount of one hundred thousand dollars, in addition to the amount it is now authorized to hold, by virtue of chapter three hundred and sixty-two, of the acts of the year one thousand eight hundred and fifty-four.

May hold
\$100,000 addi-
tional real and
personal estate.

Subject to inspection of board of state charities.

SECTION 2. Any institution established by said association shall be subject to the inspection of the board of state charities.

Approved May 26, 1869.

Chap. 326

AN ACT TO INCORPORATE THE LOWELL HOSIERY COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and duties.

May hold \$50,000 in real estate.

Proviso.

SECTION 1. William F. Salmon, Thomas Nesmith, Hiram Hosford, their associates and successors, are hereby made a corporation by the name of the Lowell Hosiery Company, for the purpose of manufacturing hosiery in the city of Lowell ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real estate necessary and convenient for its business, to an amount not exceeding fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however*, that said corporation shall not go into operation until twenty-five thousand dollars of its capital stock is paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1869.

Chap. 327

AN ACT TO AUTHORIZE THE BOSTON GAS LIGHT COMPANY TO CONSTRUCT PILE WHARVES.

Be it enacted, &c., as follows :

May construct pile wharves between Brown's, Vinal's and Ingersoll's wharves.

Provisos.

SECTION 1. License is hereby granted to the Boston Gas Light Company to construct pile wharves to the commissioners' line, between their wharves known as Brown's, Vinal's, and Ingersoll's wharves, in Boston : *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO AUTHORIZE THE WASHBURN AND MOEN MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 328*

Be it enacted, &c., as follows :

SECTION 1. The Washburn and Moen Manufacturing Company is hereby authorized to increase its capital stock, by adding thereto an amount not exceeding five hundred thousand dollars. \$500,000 increase authorized.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT TO AUTHORIZE BRADFORD ACADEMY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 329*

Be it enacted, &c., as follows :

SECTION 1. The Bradford Academy is hereby authorized to hold by gift, grant, devise or otherwise, for the purposes of education, real and personal estate to an amount not exceeding five hundred thousand dollars. May hold real and personal estate not exceeding \$500,000.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT IN RELATION TO THE TRUSTEES OF THE FUND OF THE THIRD CONGREGATIONAL SOCIETY IN SPRINGFIELD. *Chap. 330*

Be it enacted, &c., as follows :

SECTION 1. So much of chapter two hundred and seven of the acts of the year eighteen hundred and twenty, as incorporates and relates to the "Trustees of the Fund of the Third Congregational Society in Springfield," is hereby repealed; and the trustees incorporated by said act, are hereby authorized to convey and transfer to said Third Congregational Society in Springfield, all real and personal estate held by them as such trustees, together with their title deeds, records and other vouchers. Trustees may convey property to Third Congregational Society in Springfield.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

AN ACT GIVING PROBATE COURTS ORIGINAL CONCURRENT JURISDICTION WITH THE SUPREME JUDICIAL COURT OVER SALES OF TRUST ESTATES. *Chap. 331*

Be it enacted, &c., as follows :

SECTION 1. Probate courts shall have original jurisdiction, concurrent with the supreme judicial court, over all matters relating to the sale of trust estates, of which the supreme judicial court now has exclusive jurisdiction. Probate courts to have original concurrent jurisdiction with S. J. Court.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1869.

Chap. 332**AN ACT CONCERNING THE UNIFORMS OF THE MILITIA.***Be it enacted, &c., as follows :*

Uniforms, no
more to be
issued.

—state may be
retained.

SECTION 1. No more uniforms belonging to the state shall be issued to the militia.

SECTION 2. The state uniforms now in the possession of the militia may be retained by them for their own use, and shall become their property when they have procured uniforms of their own under the provisions of this act.

Officers may
prescribe, &c.

SECTION 3. Whenever a majority of the commissioned field, staff and line officers* of a regiment or separate battalion, or a majority of the commissioned officers of a battery, unattached company of cavalry or company of cadets, at a meeting called for that purpose, shall prescribe a uniform for their commands, and make return of their doings in writing to the adjutant-general, and the same shall have been approved by the commander-in-chief, it shall become and remain the established uniform of the regiment, battalion, battery or company.

Adj. gen. to
transmit to
cities and towns
pay-rolls au-
thorizing pay-
ment of \$20 for
each uniform.

SECTION 4. When it shall be made to appear, under the oath of the commanding officer of a company, to the satisfaction of the adjutant-general, that new uniforms have been procured by the enlisted men of his company, at their own expense, at a cost of not less than twenty dollars for each uniform, the adjutant-general shall transmit to the mayor and aldermen of the cities and to the selectmen of the towns in which such companies are situated, pay-rolls authorizing the payment of twenty dollars to each man who has thus provided himself with a uniform. Upon receipt of the same, the mayor and aldermen and selectmen shall draw their warrants upon their respective treasurers, directing them to pay forthwith the amount due to the persons named in such rolls ; and shall forthwith remit such rolls to the adjutant-general, with a certificate indorsed thereon setting forth that a warrant has by them been drawn on their respective treasurers in favor of the several persons whose names are recorded therein. Thereupon the adjutant-general shall lay the same before the auditor, and the governor may draw his warrant on the treasury, for such sums as may be necessary to reimburse such cities and towns, from the appropriation for quartermasters' supplies for the current year. These uniforms shall be subject to the exclusive use of the members providing the same, so long as they remain as enlisted men in the company ; but upon their promotion or discharge, the uniforms shall become and remain company property.

Mayor and
aldermen and
selectmen to
draw warrants.

Uniforms sub-
ject to use of
members.

SECTION 5. This act shall take effect upon its passage.

Approved May 28, 1869.

AN ACT TO AMEND CHAPTER TWO HUNDRED OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-EIGHT, CONCERNING THE EDUCATION OF DEAF-MUTES.

Chap. 333

Be it enacted, &c., as follows:

Section one of chapter two hundred of the acts of the year eighteen hundred and sixty-eight, is hereby amended by inserting after the word "Northampton" the words—or any other school for deaf-mutes in the Commonwealth.

Amendment of 1868, 200, § 1.

Approved May 28, 1869.

AN ACT AUTHORIZING THE USE OF THE STATE PRISON FOR THE PUNISHMENT OF PERSONS CONVICTED IN THE UNITED STATES COURTS.

Chap. 334

Be it enacted, &c., as follows:

The state prison shall be used for the reformation and punishment of male offenders convicted before any court of the United States held within the district of Massachusetts, and sentenced according to law to the punishment of confinement therein at hard labor; and all such offenders shall be securely confined, employed at hard labor, and governed in the same manner as persons sentenced by any of the courts of this Commonwealth.

State prison shall be used for reception of criminals sentenced to by U. S. Court.

Approved May 28, 1869.

AN ACT AUTHORIZING THE GOVERNOR AND COUNCIL TO SELL OR LEASE CERTAIN LANDS AT SHELburnE FALLS.

Chap. 335

Be it enacted, &c., as follows:

The governor and council are hereby authorized to convey or lease certain lands near the station grounds of the Troy and Greenfield Railroad, at Shelburne Falls: *provided*, they shall find on examination that said lands are not required for railroad or depot purposes.

May sell or lease certain lands. Proviso.

Approved May 28, 1869.

AN ACT IN FURTHER ADDITION TO AN ACT TO ESTABLISH THE CITY OF CAMBRIDGE.

Chap. 336

Be it enacted, &c., as follows:

SECTION 1. The mayor of the city of Cambridge shall be *ex officio* chairman of the school committee, and of the board of overseers of the poor; but shall have a casting vote only.

Mayor to be chairman of school com'tee and overseers of poor.

SECTION 2. Every ordinance, order, resolution or vote, to which the concurrence of the board of aldermen and of the common council may be necessary, (except on a question of convention of the two branches,) and every order of either branch, involving the expenditure of money, shall be presented to the mayor. If he approve thereof, he shall signify his approbation by signing the same; but if not, he shall return the same with his objections, to the branch in which

Ordinance, &c., if not approved, to be returned with his objections.

Objections to be recorded.

it originated, which shall enter the objections of the mayor at length on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of the board of aldermen or common council, notwithstanding such objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the city council, (if it originally required concurrent action,) where it shall also be reconsidered, and if approved by two-thirds of the members present, it shall be in force; but, in all cases, the vote shall be determined by yeas and nays, and if such ordinance, order, resolution or vote shall not be returned within ten days after it shall have been presented, the same shall be in force. But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council in convention, or by concurrent action, unless expressly so provided therein.

Veto power not to extend to election of officers.

Acts repealed.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

To be void unless adopted by city.

SECTION 4. This act shall be void, unless the inhabitants of the city of Cambridge, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon by ballot, determine to adopt the same within six months after its passage.

Approved May 28, 1869.

Chap. 337 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO CONSTRUCT A BRIDGE OVER THE MERRIMAC RIVER.

Be it enacted, &c., as follows:

Commissioners may build bridge across Merrimac River near Chain Ferry in Groveland.

SECTION 1. The county commissioners for the county of Essex are hereby authorized and empowered, if in their judgment the public necessity and convenience require it, to lay out a highway and construct a bridge and draw across the Merrimac River, in the towns of Groveland and Haverhill, at some point to be determined by them, near the Chain Ferry, so called: *provided*, that the county of Essex shall not be assessed for more than one-fifth of the expense of constructing the same, and the said commissioners of Essex county shall not lay out or construct the said bridge, unless within six months from the passage of this act, the same shall have been accepted by the towns of Haverhill and Groveland, at legal town meetings held for that purpose.

Proviso.

—to proceed as in laying out and constructing highways.

SECTION 2. Said commissioners, in laying out and constructing said road and bridge, shall, in all respects, proceed according to the provisions of the statutes for laying out and constructing highways.

SECTION 3. This act shall be void unless said county commissioners lay out said highway and bridge within five years from its passage. —to lay out, &c., within five years.

SECTION 4. This act shall take effect upon its passage.

Approved May 28, 1869.

AN ACT TO INCORPORATE THE MEMORIAL HOSPITAL IN THE CITY OF WORCESTER.

Chap. 338

Be it enacted, &c., as follows:

SECTION 1. Philip L. Moen, Emory Washburn, E. A. Goodnow, their associates and successors, are hereby made a body corporate by the name of The Memorial Hospital, for the purpose of establishing and maintaining in the city of Worcester a hospital to afford care and relief to the sick and suffering who require superior medical and surgical skill, and who, in the judgment of the trustees thereof, and in accordance with such rules and regulations as the trustees and board of visitors may from time to time prescribe, are fit and proper subjects for treatment therein; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations. The clergyman of the City Mission Chapel on Summer Street in Worcester, shall, *ex officio*, be a member of said corporation.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have authority to accept and hold real and personal estate to an amount not exceeding two hundred thousand dollars, to be devoted exclusively to the purposes aforesaid, and in conformity with the conditions made by any donor, not inconsistent with this act, expressed by him in writing and recorded in the records of said hospital.

Real and personal estate.

SECTION 3. The following named officers for the time being shall, *ex officio*, constitute the board of visitors of said hospital, viz.: the judge of probate for the county of Worcester, the chairman of the county commissioners of said county, the superintendent of the Massachusetts Insane Hospital at Worcester, the mayor of the city of Worcester, the district-attorney for the middle district, and the sheriff of the county of Worcester.

Board of visitors.

SECTION 4. All vacancies in the board of trustees shall be filled by the remaining members of the board from time to time as they occur, but no person shall be deemed to have been duly elected who does not receive two-thirds as many votes as the whole remaining number of trustees, at a meeting of said trustees duly called and notified for the purpose of such election.

Vacancies in board of trustees, how filled.

SECTION 5. This act shall take effect upon its passage.

Approved May 28, 1869.

Chap. 339 AN ACT TO INCORPORATE THE GUARDIAN NEWSPAPER ASSOCIATION.
Be it enacted, &c., as follows:

Corporators. SECTION 1. Edward Atkinson, John W. Candler, Henry V. Poor, their associates and successors, are hereby made a corporation by the name of The Guardian Newspaper Association, for the purpose of establishing, publishing and maintaining a newspaper in the city of Boston, to be published at such times as they shall determine; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as applicable to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares. SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, and may hold real estate for the purposes aforesaid to the value of fifty thousand dollars: *provided, however*, that said corporation shall not go into operation until fifty thousand dollars of its capital stock shall have been paid in in cash.

Proviso. SECTION 3. This act shall take effect upon its passage.

Approved May 28, 1869.

Chap. 340 AN ACT TO AUTHORIZE THE ADMINISTRATOR *DE BONIS NON* OF ABEL JEWETT TO EXECUTE CERTAIN PROVISIONS IN SAID JEWETT'S WILL.

Be it enacted, &c., as follows:

Administrator of estate of Abel Jewett may sell land in Pepperell.

SECTION 1. The administrator *de bonis non* of the estate of Abel Jewett, late of Pepperell, is hereby authorized to execute the power conferred upon the executors of said Jewett by his will, in making sale of certain land lying on the southerly side of Nashua River in Pepperell, formerly Groton, known as the Lakin land, and islands in said river, and put the proceeds of said sale, to an amount sufficient to pay annually one hundred dollars of the annuity bequeathed to the widow of said Abel Jewett, upon interest, and divide the remainder among the children of said Jewett living at the time of making his will, or the heirs of such children, in accordance with the provisions of said will.

Proceeds of sale, how to be applied.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1869.

Chap. 341 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BAPTIST CHURCH IN CAMBRIDGE.

Be it enacted, &c., as follows:

Income of funds not to exceed \$10,000 annually.

The proviso in section four of the act to incorporate the Baptist church in Cambridge, being chapter fifty-six of the acts of the year eighteen hundred and nineteen, is hereby

amended so as to read, "*provided*, that the annual income of the said funds shall not at any time exceed ten thousand dollars."

Approved May 28, 1869.

AN ACT TO AUTHORIZE THE STONEHAM STREET RAILWAY COMPANY TO LEASE ITS ROAD. Chap. 342

Be it enacted, &c., as follows :

SECTION 1. The Stoneham Street Railway Company may lease its road and other property to any other street railway company, or to any party or parties. May lease road.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1869.

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO WIDEN AND EXTEND ITS BRIDGE OVER CHARLES AND MILLER'S RIVERS, AND FOR OTHER PURPOSES. Chap. 343

Be it enacted, &c., as follows :

SECTION 1. The Boston and Maine Railroad is hereby authorized to widen its bridge over Charles River, between the Charles River draw and the island, so called, of said railroad, and to cover with a pile structure so much area as is embraced within the following described lines, namely : beginning at the south-easterly corner of said island and running in a straight line southerly two hundred and five feet, to a point opposite an angle in the easterly side of said bridge, and distant easterly twenty-four feet from said bridge ; thence southerly in a straight line parallel to said bridge, and twenty-four feet distant therefrom, to a point forty-five feet distant northerly from the northerly side of the passage or draw-way hereinafter provided to be made for vessels ; thence southerly on a line at right angle to said passage-way forty-five feet to the northerly side of said passage-way ; thence westerly following and coinciding with the line of said passage-way one hundred and forty feet, to a point in a line with the westerly side of the present bridge, and thence northerly in a straight line to the south-westerly corner of said island. Also, to widen its said bridge over Charles River, between the Charles River draw and the Boston shore, by adding on each side of the present bridge a piece enclosed by a line drawn from a point in the side of the present bridge one hundred feet from the line of the wharf, to a point in the line of said wharf fifteen feet from the side of said bridge. Also, to extend its bridge over Miller's River, between the pile structure at the northerly end of the said island and the passage or draw-way hereinafter provided to be made for vessels in Miller's River, to the same width as and in line with the present bridge between the draw and the Charles-

Boston and
Maine R. R.
may widen
bridge over
Charles River.

—may extend
bridge over
Miller's River.

town shore ; and all the work in making such additions shall be made under the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

—to build draws in bridges over Charles and Miller's Rivers forty-four feet wide, under direction of harbor commissioners.

SECTION 2. The Boston and Maine Railroad is hereby authorized and required forthwith to cause to be made, at the expense of said corporation, in lieu of the existing draw in the bridge of said railroad crossing Charles River, and in lieu of the existing draw in the bridge of said railroad crossing Miller's River, southerly of Prison Point, so called, a draw in each of said bridges, with a clear passage-way of forty-four feet in width, in such position and of such form and construction, and with such changes in the draw piers and bridge connected with said draws, as may become necessary or advisable in removing old and in building and maintaining new draws, as the harbor commissioners may determine ; and all duties and liabilities now imposed by law upon said Boston and Maine Railroad, with respect to existing draws in said bridges, shall be held to apply to such newly constructed draws.

Land acquired to be liable to taxation.

SECTION 3. Land acquired, taken or purchased by said corporation under this act, shall not be exempt from taxation.

SECTION 4. This act shall take effect upon its passage.

Approved May 28, 1869.

Chap. 344

AN ACT FOR THE MORE EFFECTUAL PREVENTION OF CRUELTY TO ANIMALS.

Be it enacted, &c., as follows :

Penalty for beating or starving animals.

SECTION 1. Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, or procures, to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal ; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather, shall for every such offence be punished by imprisonment in jail, not exceeding one year, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

—for driving or working when unfit for labor.

SECTION 2. Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works the same when unfit for labor, or cruelly abandons the same, or who carries the same, or causes the same to be carried, in,

or upon, any vehicle, or otherwise, in an unnecessarily cruel or inhuman manner, or knowingly and wilfully authorizes, or permits the same to be subjected to unnecessary torture, suffering or cruelty, of any kind, shall be punished for every such offence in the manner provided in section one.

—for torture or cruelty of any kind.

SECTION 3. No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received, shall be included; it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies herein before stated. Animals so unloaded shall be properly fed, watered and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then by the railroad company transporting the same, at the expense of said owner or person in custody thereof, and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for any detention of such animals authorized by this act. Any company, owner or custodian of such animals who shall fail to comply with the provisions of this section, shall for each and every such offence be liable for and forfeit and pay a penalty of not less than one nor more than five hundred dollars: *provided, however*, that when animals shall be carried in cars in which they can and do have proper food, water, space and opportunity for rest, the foregoing provision in regard to their being unloaded shall not apply.

Railroads not to confine animals in cars for more than 28 consecutive hours.

Animals to be unloaded, fed and watered.

Penalty on railroads for each offence.

Proviso.

SECTION 4. Any person found violating the laws in relation to cruelty to animals, may be arrested and held without warrant in the same manner as in case of persons found breaking the peace; and the person making an arrest with or without warrant shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for such animals until the owner thereof shall take charge of the same: *provided*, the owner shall take charge of the same within sixty days from the date of said notice. And the person making such arrest shall have a lien on said animals for the expense of such care and provision.

Persons may be arrested without warrant, as in case of breach of the peace.

Notice to be given to owner of animals.

Proviso.

Search warrant may be issued, not to be served after sunset unless authorized by magistrate.

SECTION 5. When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases, that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, deputy state constable, constable or police officer to search such building or place; but no such search shall be made after sunset unless specially authorized by the magistrate, upon satisfactory cause shown.

Words "animal," "owner," &c., defined.

SECTION 6. In this act the word "animal" or "animals" shall be held to include all brute creatures; and the words "owner," "person" and "whoever," shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

Duty of sheriffs, police officers, &c., to prosecute.

SECTION 7. It shall be the duty of all sheriffs, deputy sheriffs, deputy state constables, constables and police officers to prosecute all violations of the provisions of this act which shall come to their notice or knowledge, and fines and forfeitures collected upon or resulting from the complaint or information of any officer or agent of the Massachusetts Society for the Prevention of Cruelty to Animals, under this act, shall inure and be paid over to said society in aid of the benevolent objects for which it was incorporated.

Police courts, &c., to have concurrent jurisdiction with superior court.

SECTION 8. The several municipal and police courts and trial justices in this Commonwealth shall have full concurrent jurisdiction with the superior court of all offences under this act, and to the full extent of the penalties therein specified.

Repeal.

SECTION 9. Chapter two hundred and twelve of the acts of the year eighteen hundred and sixty-eight is hereby repealed, except as to prosecutions now pending under the same, and offences heretofore committed.

Approved June 2, 1869.

Chap. 345 AN ACT TO AMEND "AN ACT TO PROVIDE FOR THE STORAGE, SALE AND INSPECTION OF PETROLEUM AND ITS PRODUCTS."

Be it enacted, &c., as follows:

Repeal of 1869, 152, § 11.

SECTION 1. The eleventh section of chapter one hundred and fifty-two of the acts of the year eighteen hundred and sixty-nine, is hereby repealed.

SECTION 2. No person shall sell or keep for sale at retail, for illuminating purposes, any kerosene, refined petroleum or any product of petroleum, without having the same inspected and approved by an authorized inspector. Any person violating the provisions of this section shall be fined and imprisoned in the manner provided in the first section of chapter one hundred and fifty-two of the acts of the present year.

Approved June 2, 1869.

Kerosene for illuminating purposes not to be sold without inspection, under penalty.

AN ACT TO EXTEND MEMBERSHIP OF PARISHES AND RELIGIOUS SOCIETIES TO WOMEN, AND TO ADMIT TO MEMBERSHIP OF TERRITORIAL PARISHES NON-RESIDENTS.

Chap. 346

Be it enacted, &c., as follows :

SECTION 1. Any parish or religious society may admit to membership women, who shall have all the rights and privileges of men.

Parishes may admit women to membership with same rights as men.

SECTION 2. Any territorial parish may admit to membership persons not residents of its territory.

Territorial parishes may admit non-resident members.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1869.

AN ACT CONCERNING THE SCHOOL COMMITTEE OF THE CITY OF TAUNTON.

Chap. 347

Be it enacted, &c., as follows :

SECTION 1. The mayor and the president of the common council of the city of Taunton shall be *ex officiis* members of the board of school committee of said city, and the mayor shall be chairman of said board ; with the same powers and duties as if severally elected to said offices by vote in accordance with law.

Mayor and president of council to be members of school committee. Mayor to be chairman.

SECTION 2. This act shall take effect when accepted by the city council of said city : *provided*, such acceptance be within three months after its passage.

When to take effect.

Approved June 2, 1869.

AN ACT TO ALTER THE LOCATION OF THE LEE AND NEW HAVEN RAILROAD, AND FOR OTHER PURPOSES.

Chap. 348

Be it enacted, &c., as follows :

SECTION 1. The Lee and New Haven Railroad Company is hereby authorized to alter the location of its railroad at different points on the line of the same, and particularly from a point near Green Water Pond, in the town of Becket, so as to intersect the Stockbridge and Pittsfield Railroad, at some point near Lenox Furnace, and that said company have two years from the passage of this act to make the alteration or change in the location of said railroad.

Lee and New Haven Railroad may alter location of road.

To be done within two years.

—may unite with Stockbridge and Pittsfield Railroad.

Commissioners to be appointed if roads cannot agree upon terms.

\$500,000 additional capital stock.

SECTION 2. Said Lee and New Haven Railroad Company is hereby authorized to enter with its road or any branch thereof, upon, and unite the same with, and on the road of the Stockbridge and Pittsfield Railroad Company, at any point in the towns of Lenox, Lee or Stockbridge, for a reasonable compensation. If the corporations cannot agree upon the terms and conditions upon which such accommodation shall be furnished, commissioners may be appointed in the manner prescribed in section one hundred and seventeen of chapter sixty-three of the General Statutes, with all powers given them therein.

SECTION 3. Said company may increase its capital stock to a sum not to exceed five hundred thousand dollars, if the same may be necessary to complete said railroad and its branches.

SECTION 4. This act shall take effect upon its passage.

Approved June 2, 1869.

Chap. 349 AN ACT TO UNITE THE CITY OF BOSTON AND THE TOWN OF DORCHESTER.

Be it enacted, &c., as follows:

Dorchester annexed to Boston, and to become part of Suffolk County.

Proviso.

Election of members of house of representatives, senator, councillor, &c.

Duties of selectmen, town clerk and ward officers.

SECTION 1. All the territory now comprised within the limits of the town of Dorchester, in the county of Norfolk, with the inhabitants and estates therein, is hereby annexed to and made part of the city of Boston, in the county of Suffolk, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the said city of Boston: *provided, however*, that until constitutionally and legally changed, said territory shall continue to be, for the purpose of electing members of the house of representatives, part of the county of Norfolk, constituting the fifth representative district thereof; for the purpose of electing a senator, part of the second Norfolk senatorial district; for the purpose of electing a councillor, part of the second council district, and for the purpose of electing a representative in congress, part of congressional district number two, as the same are now constituted.

All the duties now required by law to be performed by the selectmen and town clerk, of the town of Dorchester, or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon and be performed by the board of aldermen and city clerk of the city of Boston.

It shall be the duty of the ward officers of the ward, directed out of said territory as hereinafter provided, to make return of all votes that may be cast therein, from time to time, for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers, to the city clerk of the city of Boston.

SECTION 2. All the public property of the said town of **Dorchester** shall be vested in and is hereby declared to be the property of the city of Boston; and said city of Boston shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said town of Dorchester. The town treasurer of the town of Dorchester shall, on or before the second Monday of January, in the year eighteen hundred and seventy, under the direction of the selectmen of said town of Dorchester, who shall for this purpose, and for all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices over, transfer, deliver, pay over and account for to the city treasurer of the city of Boston, all books, papers, moneys and other property in his possession as town treasurer of said town of Dorchester, when this act shall take effect; and the city of Boston shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said town of Dorchester. All actions and causes of action which may be pending, or which shall have accrued at the time this act shall take effect, in behalf of or against the town of Dorchester, shall survive, and may be prosecuted to final judgment and execution; in behalf of or against the city of Boston.

Public property of Dorchester to be vested in Boston.

Treasurer of Dorchester to deliver books, papers and property.

Boston to be liable for debts of Dorchester.

Pending actions, &c., to survive.

SECTION 3. The several courts within the county of Suffolk, except the municipal court for the southern district of the city of Boston, after this act shall take effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within said territory hereby annexed, that said courts now have over like actions, proceedings and matters within the county of Suffolk: *provided, however*, that the several courts within the county of Norfolk shall have and retain jurisdiction of all actions, proceedings and matters, that shall have been rightfully commenced in said courts prior to the time when this act shall take effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act shall take effect, shall have the same jurisdiction of all crimes, offences and misdemeanors that shall have been committed within the said territory, that

Jurisdiction of courts in Suffolk and Norfolk Counties.

Provisos.

the supreme judicial court and superior court within the county of Norfolk now have jurisdiction of: *provided*, proceedings shall not have been already commenced in any of the courts within the county of Norfolk, for the prosecution of said crimes, offences and misdemeanors; in which case, the said courts within the county of Norfolk shall have and retain jurisdiction of the same for the full, complete and final disposition thereof. All suits, actions, proceedings, complaints and prosecutions; and all matters of probate and insolvency which shall be pending within said territory, before any court or justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Territory to constitute part of district under jurisdiction of municipal court of Boston.

SECTION 4. Said territory shall be added to, and constitute a part of the judicial district under the jurisdiction of the municipal court of the city of Boston. Said court shall have the same civil and criminal jurisdiction in said territory as it now has by law in its district as it now exists.

—to constitute ward sixteen of Boston.

SECTION 5. The said territory shall constitute a ward of the city of Boston, to be called ward sixteen, and shall so remain until the alteration of the ward limits of the city of Boston, provided by law. And the ward so established shall be entitled to all the municipal and ward officers which each of the other wards of said city of Boston is entitled to.

Ward officers to be elected.

SECTION 6. If this act shall be accepted as hereinafter provided, said territory shall, after the second day of November, in the year eighteen hundred and sixty-nine, constitute a ward of the city of Boston, to be called ward sixteen, for all the purposes mentioned in this section and in section seven of this act. And the board of aldermen of said city of Boston shall, in due season, issue their warrant for a meeting of the legal voters of said ward, to be held on the second Monday of December, in the year eighteen hundred and sixty-nine, at some place within said ward, which shall be designated in said warrant, there first to choose a warden, clerk, and five inspectors of elections for said ward, who shall hold their offices until the first Monday of January in the year eighteen hundred and seventy, and until others shall be chosen and qualified in their stead; second, to give in their ballots for the several municipal and ward officers for the year eighteen hundred and seventy, for which they shall be entitled to vote by virtue of the provisions of this act.

School committee.

The voters of said ward shall designate, by their ballots cast at said meeting, the term of service for which each of the six school committee men, who shall be chosen in said ward, shall serve, so that two of the number so chosen shall

serve for three years, two for two years, and two for one year. The board of aldermen of the city of Boston shall prepare lists of all the legal voters in said ward, to be used at said meeting, and shall do all other things which they are now by law required to do in respect to like elections in other wards in the city of Boston; and at said meeting, any legal voter of said ward may call the citizens to order, and preside until a warden shall have been chosen and qualified. All ward officers whose election is provided for in the preceding section, shall be qualified according to law. The citizens of the territory by this act annexed to the city of Boston, shall have the same right to vote for municipal officers, at the annual municipal election of the city of Boston, in the year eighteen hundred and sixty-nine, as they would have had if said territory had formed part of the city of Boston for more than six months next before said election.

Citizens may vote for municipal officers of Boston in the year 1869.

SECTION 7. After the present municipal year the board of aldermen of the city of Boston shall consist of twelve members, and the common council of the city of Boston shall consist of sixty-four members. The number of wards of said city, including the ward to be formed out of the territory hereby annexed, shall be sixteen.

Number of aldermen, councilmen and wards in Boston.

SECTION 8. The several police officers and watchmen that may be in office in the town of Dorchester when this act shall take effect, shall thereafter continue in the discharge of their respective duties, in the same manner as if they were police officers and watchmen of the city of Boston, until others shall be appointed in their stead. And the fire engineers and firemen of the town of Dorchester shall in like manner continue in the discharge of their duties, as if they were engineers and firemen of the city of Boston, till others are appointed in their stead.

Police officers, firemen, &c., of Dorchester, to continue in discharge of their duties.

SECTION 9. All the interest which the town of Dorchester now has in the public property of the county of Norfolk, is hereby released and acquitted to said county of Norfolk. Such proportion of the debts and obligations of the county of Norfolk, existing when this act shall take full effect, over and above the value of all the property belonging to said county as should proportionally and equitably be paid by the inhabitants and property owners of the territory by this act annexed to the city of Boston, shall be paid by said city of Boston to said county of Norfolk; and the supreme judicial court shall have jurisdiction in equity to determine the amount of such proportion, (if any,) and enforce the payment of the same upon a suit of equity, in the name of said county, to be

Interest of Dorchester in county property released.

Boston to pay just proportion of debts of Norfolk County.

Amount may be fixed and payment enforced by S. J. C.

brought therefor within six months after this act shall go into full operation, by the county commissioners of said county of Norfolk, if they shall deem such suit for the interest of said county; but no such suit shall be instituted after said six months.

Obligation of contracts not impaired.

Proviso.

Nothing contained in this act shall impair the obligation of contracts; and the property and inhabitants of the territory by this act annexed to the city of Boston shall continue liable to the existing creditors of the county of Norfolk, in like manner as if this act had not been passed: *provide* that if any person, by reason of his being an inhabitant of or owning property in, said territory, shall be compelled to pay any part of an existing debt or obligation of the county of Norfolk, the amount of such payment shall constitute a debt to him from said county as hereafter to be constituted exclusive of said territory, and may be recovered in like manner as other debts against the county of Norfolk.

Act not to take full effect unless accepted by voters of Boston and Dorchester.

Meetings to be held in both places June 22, 1869.

Ward officers, *pro tempore*, may be chosen.

Ballots.

Meetings, how warned.

SECTION 10. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Boston present and voting thereon by ballot, at a meeting which shall be held in the several wards of said city, and also by a majority of the legal voters of the town of Dorchester present and voting thereon by ballot, at a meeting which shall be held in said town. All said meetings shall be held simultaneously on the twenty-second day of June of the present year, and upon notice thereof duly given at least seven days before the time of said meetings, and the polls shall be opened at nine o'clock in the forenoon of said day and shall be closed at six o'clock in the afternoon. In case of the absence of any ward officer at any ward meeting in said city held for the purpose aforesaid, or of any of the selectmen, or of the town clerk at any meeting in said town held for said purpose, a like officer may be chosen, *pro tempore*, by hand vote, and shall be duly qualified and shall have all the powers, and be subject to all the duties, of the regular officer at said meetings. Said ballots shall be "yes" or "no" in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and sixty-nine, entitled 'an act to unite the city of Boston and the town of Dorchester,' be accepted?" Such meeting in the town of Dorchester shall be called, notified and warned by the selectmen of said town, in the same manner in which meetings for the election of town officers in said town are called, notified and warned; and such meetings in the city of Boston shall be called, notified and warned by the board of aldermen of said city in the same manner in

such meetings for the election of municipal officers, in said ward are called, notified and warned.

The ballots given in shall be assorted, counted and declared at the ward meetings in which they are given in the city of Boston, in open ward meeting, and shall be registered in the ward records; and in the town of Dorchester the ballots given in shall be assorted, counted and declared in open town meeting, and shall be recorded upon the records of the town. The clerk of each ward in the city of Boston shall make return of all ballots given in his ward, and the number of ballots in favor of the acceptance of this act, and the number of ballots against said acceptance, to the board of aldermen of the city of Boston; said returns to be made within twenty-eight hours of the close of the polls.

Result of balloting to be recorded and returned

It shall be the duty of the board of aldermen of the city of Boston to certify as soon as may be the ballots cast in the city of Boston, and the number of ballots cast in favor of the acceptance of this act, and the number of ballots cast against said acceptance in said city, to the secretary of the Commonwealth.

Returns to be made to the secretary of the Commonwealth.

The selectmen and town clerk of the town of Dorchester shall, as soon as may be, make a like return of the ballots cast in said town, and the number of ballots cast in favor of the acceptance of this act, and the number of ballots cast against said acceptance in said town, to the secretary of the Commonwealth.

And if it shall appear that a majority of the votes cast in the city of Boston, and a majority of the votes cast in the town of Dorchester, respectively, is in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been lawfully accepted.

Secretary to publish certificate if majority of votes cast in favor of acceptance.

SECTION 11. So much of this act as authorizes and directs the submission of the question of acceptance of this act to the legal voters of said city and said town, respectively, provided for in the tenth section of this act, shall take effect upon its passage.

Part of act to take effect upon passage.

SECTION 12. If this act shall be accepted as herein provided, it shall take effect on the third day of November, in the year eighteen hundred and sixty-nine, so far as to authorize, legalize and carry into effect the acts and provisions of the sixth and seventh sections of this act; but for all other purposes (except as mentioned in section eleven of this act,) shall take effect on the first Monday of January, in the year eighteen hundred and seventy.

When to take effect if accepted.

Proceedings in
case S. J. C.
declare ballot-
ing void.

SECTION 13. If any election or balloting upon the question of the acceptance of this act, by either said city or town, shall within two months thereafter be declared void by the supreme judicial court, upon summary proceedings which may be had in any county on the petition of the voters of either said city or said town, the question of accepting said act shall be again submitted to the legal voters of said city or town, and a meeting therefor shall within thirty days thereafter be called, held and conducted, and the vote returned and other proceedings had thereon, in like manner as herein before provided. But no election or balloting shall be held void for informality, in calling, holding or conducting the election, or returning the votes, or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter, as aforesaid. *Approved June 4, 1869.*

Chap. 350

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF EGREMONT AND SHEFFIELD.

Be it enacted, &c., as follows:

Boundary line
established.

The line between the towns of Egremont and Sheffield between the points named, shall hereafter be established as follows, to wit: beginning at a post standing on the eastern side of the Harmon Pond, so called, being a corner in the present line between said towns; thence north three degrees and four minutes east eighty-nine chains to a stone monument; thence north seventy-six degrees and forty-five minutes east, sixty chains and thirty-eight links to a stone monument standing at a corner in the present line between said towns.

Approved June 4, 1869.

Chap. 351

AN ACT IN ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF LOWELL WITH WATER."

Be it enacted, &c., as follows:

Lowell may
convey water
from Dracut
and Tyngs-
borough, for
use of inhab-
itants.

SECTION 1. The city of Lowell is hereby authorized to take, hold and convey to, into and through the said city from Beaver Brook, so called, in the town of Dracut, Lowell Pond, in Dracut, and Tyng's Pond, in Dracut and Tyngsborough, and the waters which flow into and from the same, sufficient water for the use of said city and the inhabitants thereof, for the extinguishment of fires, creating steam, domestic and other purposes; and may also take and hold by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes for conducting, discharging, disposing of and distributing water, constructing and maintaining reservoirs, dams and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of

—may hold
lands necessary
to maintain
aqueducts.

aid water; and may take and hold any land on and around said ponds, and Beaver Brook, for the purpose of raising water to such height as may be necessary for the purity and reservation of the same, and for the purpose of furnishing a supply of pure water for the said city of Lowell.

—may hold land around ponds and brook for raising water to necessary height.

SECTION 2. The city of Lowell shall, within sixty days from the time they shall take any lands, ponds or streams of water for the purposes of this act, file in the office of the registry of deeds for the northern district of Middlesex, a description of the lands, ponds or streams of water so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by the mayor of said city.

—to file description of land taken in registry of deeds.

SECTION 3. The said city may make, build, lay down and maintain aqueducts and pipes from any of said sources to, into, through and about said city, and secure and maintain the same by any works suitable therefor; may connect said Lyng's Pond and Long Pond with each other; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs within or without said city; and may make, erect and maintain and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said city; may make and establish such public fountains and hydrants in such places as may from time to time be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute the water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice, and not objecting thereto; may regulate the use of said water, within and without the said city, and establish, receive and collect the prices or rents to be paid therefor; and the said city may, for the purposes aforesaid, carry and conduct and maintain any aqueducts, pipes or other works by them to be made, laid down or conducted over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

—may build and lay down aqueducts, connect ponds and maintain dams, &c.

Hydrants and public fountains.

Works not to obstruct navigation in canals.

SECTION 4. All pipes, aqueducts and other works constructed or erected by said city, by virtue of this act, under or over any of the canals of "The Proprietors of Locks and Canals on Merrimack River," shall be so constructed, erected and laid, as, when completed, not to obstruct the navigation in said canals, or either of them, or to interrupt or impede the flow of the water in the same.

Powers under this act to be exercised by officers under direction of city council.

SECTION 5. The rights, powers and authorities given the city of Lowell by this act, shall be exercised by the city, subject to the restrictions, duties and liabilities here contained, in such manner and by such commissioners, officers, agents and servants as the city council shall from time to time ordain, appoint and direct.

City may borrow money and issue notes at six per cent. to defray expenses.

SECTION 6. For the purpose of defraying the expenses which may be incurred by the city of Lowell in carrying into effect the powers granted by this act, the said city of Lowell shall have authority, from time to time, to borrow such sum or sums of money, and to issue notes, scrip or certificates of debt therefor, as the city council of Lowell shall from time to time deem expedient, bearing interest not exceeding the rate of six per cent. per annum; and the principal shall be made payable at periods not more than twenty years from the issuing of said notes, scrip or certificates of debt, respectively; and the city council may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purpose of this act, on such terms and conditions as the city council shall judge proper. And the city council of the said city is hereby authorized, from time to time, to appropriate, grant and assess such sum or sums of money as shall be deemed expedient towards paying said expenses, or the principal of the money so borrowed or obtained, and the interest thereon in the same manner as money is appropriated, granted and assessed for other city purposes.

May assess for payment of principal and interest of debt.

Remedy for damages.

SECTION 7. All persons and corporations who shall be damaged in their property by the taking of any lands or water, the building of reservoirs, aqueducts, or water-works, or the laying of pipes, or in any other way, in carrying into effect the powers hereby granted to the city of Lowell, unless the said city shall, within sixty days after request in writing made to the mayor of said city, pay or tender to the person or corporation so damaged a reasonable compensation therefor, shall have the same remedies as are provided in the forty-third chapter of the General Statutes for persons damaged by the laying out of highways.

SECTION 8. If any person shall use any of the said water, **er** within or without said city, without the consent of said **, an action of tort may be maintained by said city for the recovery of the damages sustained.**

Water not to be used without consent of city, under penalty.

SECTION 9. If any person wantonly or maliciously shall **ert** the water from, or corrupt the water in, or destroy **injure** any aqueduct, reservoir, pipe, conduit, hydrant, **chine**, or other works or property held, owned or used by **said city of Lowell, by the authority and for the purposes of this act, every such person or persons shall forfeit and pay to the said city three times the amount of damages it shall be assessed therefor, to be recovered by any proper action; and every such person or persons may, moreover, indictment for, and conviction of, either of the wanton malicious acts aforesaid, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year.**

Penalty for corrupting water or injuring pipes.

SECTION 10. This act shall take effect upon its passage.

Approved June 4, 1869.

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO WIDEN AND EXTEND ITS BRIDGE OVER CHARLES RIVER, AND FOR OTHER PURPOSES.

Chap. 352

As it enacted, &c., as follows:

SECTION 1. The Fitchburg Railroad Company are hereby **authorized to straighten the line of their pile structures over Charles River, between Charlestown and Boston, and to widen such structure on the easterly side thereof, by extending the same upon piles over that portion of said river situated between the westerly side of the pile structure of the Fitchburg Railroad as now built and the new line hereinafter described; said new line commencing at a point on the easterly side of the Boston and Maine Railroad Bridge, distant forty-seven feet southerly from the south-westerly corner of the Fitchburg Railroad repair-shop in Charlestown, and hence extending easterly, in a straight line, to the north-westerly corner of the present pile wharf of the Fitchburg Railroad Company; thence south-easterly, following and coinciding with the line of said wharf and of the bridge of said company, as now constructed, to the south-westerly corner of the old discontinued draw-pier; thence, southerly, parallel to the easterly side of said railroad bridge, to a point sixty feet distant, northerly, from the line of the north side of the passage-way to be left for vessels to pass through said bridge; thence, south-easterly, to a point on the line of the northerly side of said passage-way, which point shall be**

May widen and extend bridge over Charles River.

twenty feet distant easterly at right angles from the continuation of the line before described, running parallel to the easterly side of said bridge; thence, easterly, following and coinciding with the northerly side of said passage-way, a distance of one hundred and forty-five feet; thence, northerly, in a straight line at right angles to the line of said passage-way a distance of about one hundred feet to a point in the easterly side of said railroad bridge; and all structures and piles easterly of the last mentioned line shall be removed by said company before the completion of the draw here required to be built. And all right, title and interest in said company in the channel of Charles River easterly and adjoining said line shall then cease and determine.

New line on the Boston side of bridge.

Said new line on the Boston side of Charles River, commences at a point on the south-easterly side of the draw-pier to be constructed as hereinafter required at its junction with the present westerly line of the said Fitchburg Railroad bridge, and thence extends south-easterly, following and coinciding with the westerly side of said bridge as now built, to a point one hundred feet distant, north-westerly from the westerly side of the old Warren Bridge; thence southerly to a point on the Boston and Maine Railroad wharf, distant fifteen feet westerly from the western side of said Warren Bridge, by measurement made on the front line of said wharf.

May make necessary changes in draws, &c.

SECTION 2. The Fitchburg Railroad Company may make such changes, additions and improvements in their draws as they shall find necessary to conform to a new arrangement of tracks and ways on said bridge, subject to the approval of the harbor commissioners.

To widen draws.

SECTION 3. The Fitchburg Railroad Company is hereby authorized and required forthwith to cause to be made, at the expense of said corporation, in lieu of its existing draw in the bridge of said company crossing Charles River, a draw or draws with a clear passage-way of forty-four feet in width in such position and of such form and construction, and with such changes in the draw-piers and bridge connected with said draws as may become necessary or advisable in removing the old and in building and maintaining such new draw, as the harbor commissioners may determine. But no portion of such passage-way shall be located or constructed south of the line of the planked face on the north side of the present draw-pier between the Fitchburg Railroad and Warren Bridges, or on any part of the Fitchburg Railroad Bridge south of the line of the north side of said draw-pier extended to the westerly side of said Fitchburg Railroad

Proviso.

Bridge. And all duties and liabilities now imposed by law upon said Fitchburg Railroad Company with respect to the existing draw in said bridge, shall be held to apply to said newly constructed draw or draws.

SECTION 4. Land acquired, taken or purchased by said corporation under this act shall not be exempt from taxation. Land to be liable to taxation.

SECTION 5. This act shall take effect upon its passage.

Approved June 4, 1869.

AN ACT TO AUTHORIZE SAMUEL T. CUSHING, JUNIOR, TO MAINTAIN A FLOATING BOAT-HOUSE ON CHARLES RIVER. *Chap. 353*

Be it enacted, &c., as follows:

SECTION 1. Samuel T. Cushing, junior, of Boston, is hereby authorized and empowered to anchor and maintain on Charles River, near the foot of Mount Vernon street, in the city of Boston, a floating boat-house, seventy feet in length by forty feet in width, and to connect the same with the stone wharf or wall at the foot of said street by a suitable drop, not exceeding six feet in width and forty feet in length: *provided*, that this license may be at any time revoked and the location of said boat-house may be changed by the harbor commissioners upon one month's notice. May maintain floating boat-house on Charles River. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1869.

AN ACT TO CHANGE THE TIME FOR HOLDING THE TERM OF THE SUPERIOR COURT IN THE COUNTY OF BARNSTABLE. *Chap. 354*

Be it enacted, &c., as follows:

The term of the superior court, now required by law to be held at Barnstable, on the first Tuesday of September, shall be held at Barnstable on the second Tuesday of October in each year; and all writs, processes, appeals and recognizances made returnable to the term of said court on the first Tuesday of September next, shall be returned to and entered at the term of said court to be held on the second Tuesday of October next. Superior court in Barnstable County to be held on second Tuesday of October annually.

Approved June 8, 1869.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE TOWN OF PITTSFIELD WITH PURE WATER. *Chap. 355*

Be it enacted, &c., as follows:

SECTION 1. The town of Pittsfield is hereby authorized to issue from time to time notes, scrip or certificates of debt, to be denominated on the face thereof Pittsfield Water Scrip, to an amount not exceeding fifty thousand dollars, in addition to the amount now authorized by section seven of chapter two hundred and ten of the acts of the year eighteen Pittsfield may issue \$50,000 additional water scrip.

hundred and fifty-two, and by chapter two hundred and one of the acts of the year eighteen hundred and sixty-six, in the same manner, upon the same terms and conditions, and for the same purposes as stated in said acts.

May assess taxes in Pittsfield fire district to pay principal and interest.

SECTION 2. The town of Pittsfield is hereby authorized to assess and collect upon the polls and estates, real and personal, in the Pittsfield fire district, all taxes necessary to pay the principal and interest of the scrip that shall be issued under the provisions of the preceding section.

Act to be submitted to voters of district and town.

SECTION 3. There shall be a legal meeting of the voters of said fire district called within one year after the passage of this act, for the purpose of having the said voters give in their written ballots on the question whether they will accept this act; and if two-thirds of said ballots shall be in the affirmative, then the selectmen of the town of Pittsfield shall warn a meeting of the voters of said town within three months after, for the purpose of having said voters give in their written ballots upon the question whether they will accept the same; and if two-thirds of said ballots given upon the question aforesaid be in the affirmative, then this act shall be binding; otherwise, null and void.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1869.

Chap. 356 AN ACT CONCERNING THE WORCESTER STREET RAILWAY COMPANY.
Be it enacted, &c., as follows:

S. J. C. to determine in equity whether company has failed to provide reasonable transportation for passengers.

SECTION 1. The supreme judicial court, or any justice thereof, may, on petition of any five citizens of the city of Worcester, and on due notice to the Worcester Street Railway Company, hear and determine according to the course of proceedings in equity, whether said company has, for thirty days after the passage of this act, failed to provide reasonable accommodation for the transport of passengers over its track, according to the purpose for which said company was chartered.

—may appoint receiver to sell franchise.

SECTION 2. If it shall appear that said company has for said period failed to provide such accommodation, the court shall appoint a receiver, who shall take possession of all the property of said company, and sell the same and its franchise in such mode as the court shall direct, and return the proceeds of such sale into court.

Sale, how to be made.

SECTION 3. Said sale may be made in either of the modes set forth in sections one hundred and seventeen and one hundred and eighteen of chapter one hundred and eighteen of the General Statutes, and the purchasers at the same shall

proceed in the manner, be entitled to all the privileges, and subject to all the obligations in said sections set forth.

SECTION 4. The proceeds of said sale, after paying all expenses of sale and costs of court, shall be distributed to such persons as the court shall determine to be in equity entitled thereto. The court shall make such orders as it shall deem necessary to enable all persons claiming an interest in said fund to be heard in relation thereto, and to perfect said sale and carry into effect the purposes of this act, and may require said corporation and its officers to join in said sale.

Proceeds of sale, how disposed of.

SECTION 5. This act shall take effect upon its passage.

Approved June 8, 1869.

AN ACT CONCERNING TRUSTEES' BONDS.

Be it enacted, &c., as follows:

SECTION 1. In all cases not otherwise provided for by law, trustees appointed by the probate court, shall be required to give bond to the judge of said court, in the manner provided for trustees under a will or written instrument; and in any case not otherwise provided for by law, where a trustee has been appointed by said court without having given a bond, said court, upon petition of any person interested therein, may order such trustee to give bond, as aforesaid, within a time fixed in the order; and if said trustee fails to comply with such order within the time so fixed, he shall be removed by said court, and a new trustee appointed in his stead.

Chap. 357

Trustees appointed by probate court to give bonds.

—may be removed if bonds are not given.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1869.

AN ACT CONCERNING THE OATH OF EXECUTORS, ADMINISTRATORS AND GUARDIANS ASKING LEAVE TO SELL REAL ESTATE.

Be it enacted, &c., as follows:

SECTION 1. Section fourteen of chapter one hundred and two of the General Statutes is hereby amended by striking therefrom all after the word "administrator" in the first line and inserting the following words: petitioning for license to sell real estate, shall annex to his petition an oath in substance as follows: that in disposing of the estate mentioned in the petition, under any license granted thereon, he will use his best judgment in fixing on a time and place of sale, and will exert his utmost endeavors to dispose of the same in such manner as will be most for the advantage of all persons interested therein.

Chap. 358

Amendment to G. S. 102, § 14.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1869.

Chap. 359 AN ACT IN RELATION TO THE SALARIES OF JUSTICES AND CLERKS OF MUNICIPAL AND POLICE COURTS.

Be it enacted, &c., as follows :

**Municipal courts :
Salaries.**

Boston, southern district.

Taunton.

**Police courts :
Salaries.**

Cambridge.

Charlestown.

Chelsea.

Chicopee.

Fall River.

Gloucester.

Lawrence.

Lynn.

Milford.

Newburyport.

Pittsfield.

Salem.

**To be paid from
Jan. 1, 1869.**

SECTION 1. The justices and clerks of municipal courts in the following districts shall receive from the treasury of the Commonwealth annual salaries, as follows :

Southern district of Boston, the justice eighteen hundred dollars ; the clerk one thousand dollars.

Taunton, the justice twelve hundred dollars ; the clerk eight hundred dollars.

SECTION 2. The justices and clerks of police courts in the following districts shall receive from the treasury of the Commonwealth annual salaries, as follows :

Cambridge, the justice eighteen hundred dollars ; the clerk one thousand dollars.

Charlestown, the justice twelve hundred dollars ; the clerk eight hundred dollars.

Chelsea, the justice sixteen hundred dollars.

Chicopee, the justice sixteen hundred dollars.

Fall River, the justice twelve hundred dollars ; the clerk eight hundred dollars.

Gloucester, the justice sixteen hundred dollars.

Lawrence, the justice eighteen hundred dollars ; the clerk one thousand dollars.

Lynn, the justice twelve hundred dollars ; the clerk eight hundred dollars.

Milford, the justice sixteen hundred dollars.

Newburyport, the justice one thousand dollars ; the clerk six hundred dollars.

Pittsfield, the justice sixteen hundred dollars.

Salem, the justice eighteen hundred dollars ; the clerk one thousand dollars.

SECTION 3. The treasurer and receiver-general is directed to pay said salaries from the first day of January, in the year eighteen hundred and sixty-nine.

Approved June 8, 1869.

Chap. 360 AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BEDFORD.

Be it enacted, &c., as follows :

School committee.

SECTION 1. The president of the common council of the city of New Bedford shall be *ex officio* a member of the school committee of said city.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SECTION 3. This act shall take effect from and after its acceptance by the city council of said city.

Approved June 8, 1869.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER AND THE TOWNS OF HOLDEN, PRINCETON, RUTLAND, BARRE, HUBBARDSTON AND GARDNER TO TAKE STOCK IN THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION.

Chap. 361

Be it enacted, &c., as follows:

SECTION 1. The city of Worcester is hereby authorized to subscribe to the capital stock of the Boston, Barre and Gardner Railroad Corporation an amount not exceeding one per centum of the valuation of said city according to the valuation of the city assessors for the year eighteen hundred and sixty-eight, and to pay for the same out of the treasury of the city, and to hold the same as city property. And the towns of Holden, Princeton, Rutland, Barre, Hubbardston and Gardner are hereby authorized to subscribe to the said capital stock an amount not exceeding in all five per centum of the valuation of said towns according to the valuation of the assessors of each of the said towns for the year eighteen hundred and sixty-eight, and to pay for the same out of the treasury of the town that shall so subscribe, and to hold the same as town property; and said stock, when so subscribed and paid for, shall be subject to the disposal of the said city and each of said towns that shall become subscribers to said stock under this act, for public purposes, in the same manner as any other property it may possess: *provided*, that if the city and towns aforesaid shall become subscribers to the stock of any other railroad company under authority that has been heretofore conferred upon them, or may hereafter be conferred upon them, by any act of the legislature, the whole amount of their subscription to all railroad companies shall not exceed five per centum of the aforesaid valuation. The total amount to be subscribed to the capital stock of said railroad corporation shall be determined at a city or town meeting of the city of Worcester and towns of Holden, Princeton, Rutland, Barre, Hubbardston and Gardner, legally warned and called.

Worcester may take stock in Boston, Barre and Gardner Railroad.

Holden, Princeton, Rutland, Barre, Hubbardston and Gardner may take stock in railroad.

Provido.

SECTION 2. The said city of Worcester, and towns of Holden, Princeton, Rutland, Barre, Hubbardston and Gardner, are hereby authorized to raise by the issuing of bonds or by loan or tax, any sums of money which shall be required to pay instalments or subscriptions to said stock and interest authorized by this act.

May raise money by loan or tax to pay subscriptions.

SECTION 3. The said city of Worcester, and towns of Holden, Princeton, Rutland, Barre, Hubbardston and Gardner, may appoint a committee who shall subscribe in behalf of the city or town for such number of shares in the capital stock of said corporation as shall be voted by said city or

Committees may be appointed to subscribe for stock and represent city and towns at meeting of stockholders.

towns. And said committee are hereby authorized to cast the vote of said city and towns in the choice of directors of said railroad at the first meeting of the stockholders thereof, after the said city or town shall have subscribed, called for that purpose; and thereafter the vote of said city or towns in the choice of directors of said railroad shall be cast by the person or persons whom said city or towns may appoint.

Approved June 8, 1869.

Chap. 362 AN ACT TO INCORPORATE THE ODD FELLOWS' HALL ASSOCIATION OF NEWBURYPORT.

Be it enacted, &c., as follows:

- Corporators.** SECTION 1. William Forbes, Nicholas Varina, Thomas Mackinny, their associates and successors, are hereby made
- Name and purpose.** a corporation by the name of the Odd Fellows' Hall Association, in the city of Newburyport, for the purpose of erecting and maintaining a building in the city of Newburyport for the accommodation and purposes of an Odd Fellows' hall,
- Powers and duties.** lectures and other lawful purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are, or hereafter may be in force, so far as applicable to such corporations.
- Capital stock and shares.** SECTION 2. Said corporation shall have a capital stock not exceeding thirty thousand dollars, divided into shares of one hundred dollars each, and may hold for the purpose aforesaid real and personal estate not exceeding the amount of the capital stock. Said corporation shall incur no liability until five thousand dollars of its capital stock has been actually paid in in cash.

Approved June 8, 1869.

Chap. 363 AN ACT TO AUTHORIZE THE TOWN OF WRENTHAM TO TAKE STOCK IN THE WRENTHAM BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

- May take stock in Wrentham Branch Railroad.** SECTION 1. The town of Wrentham is hereby authorized, when so voting at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the Wrentham Branch Railroad Company, to an amount not exceeding five per centum of the assessed valuation of the said town; and said town may pay for such shares, so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.
- May raise money by loan or tax to pay for stock.**

SECTION 2. The said town of Wrentham may appoint a committee who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town. And said committee are hereby authorized to cast the vote of said town in the choice of directors of said road, at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of said town, in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

Committee to subscribe for stock and represent town at first meeting of stockholders.

SECTION 3. This act shall take effect upon its passage.

Approved June 8, 1869.

AN ACT FOR THE SUPPRESSION OF COMMON GAMING-HOUSES.
Be it enacted, &c., as follows :

Chap. 364

SECTION 1. The provisions of the eighth section of the eighty-fifth chapter of the General Statutes shall apply to all persons who are found present at any game or sport played for money or other thing of value at a common gaming-house, and such persons may be arrested and punished in like manner as persons there found playing.

Persons in gaming-house when games are played for money, liable to arrest, &c.

SECTION 2. The second section of the one hundred and seventieth chapter of the General Statutes is hereby so far amended that all provisions relating to the search for and seizure of gaming apparatus or implements used, or kept and provided to be used, in unlawful gaming, in any gaming-house, or in any building, apartment or place resorted to for the purpose of unlawful gaming, shall also apply to the search for and seizure of all the furniture, fixtures and personal property found in such gaming-house, building, apartment or place at the time when any persons are there found playing at any unlawful game.

Amendment to G. S. 170, § 2. Provisions extended.

SECTION 3. After the seizure of any furniture, fixtures or personal property, as provided in the preceding section, application shall be made to a court of competent jurisdiction for a decree of condemnation of the same, and if, upon the hearing of said application, it shall be found and adjudged that the same, or any part thereof, was used as the furniture, fixtures or personal property of such gaming-house, building, apartment or place, and was found therein at a time when any persons were there found playing at any unlawful game, the same shall be adjudged forfeit, and the constable of the Commonwealth, or sheriff or their deputies, shall sell the same in such manner as the court shall order, and, after deducting all costs and expenses allowed by the court, shall pay the balance of the proceeds of such sale to the use of the county.

Furniture, &c., seized, may be sold under a decree of the court, and proceeds paid over to the use of the county.

Approved June 9, 1869.

Chap. 365 AN ACT TO REPEAL SECTION EIGHT OF THE FOURTEENTH CHAPTER OF THE GENERAL STATUTES, CONCERNING THE ISSUE OF PASSPORTS.

Be it enacted, &c., as follows :

Repeal.

Section eight of chapter fourteen of the General Statutes concerning the issue of passports, is hereby repealed.

Approved June 9, 1869.

Chap. 366

AN ACT CONCERNING THE IMPOUNDING OF CATTLE.

Be it enacted, &c., as follows :

Beasts taken up by field-driver may be impounded on his own premises.

SECTION 1. When beasts are taken up and distrained by a field-driver, in pursuance of the provisions of chapter twenty-five of the General Statutes, he may impound them in any suitable place on his own premises ; and for the purposes of said chapter he shall be considered a pound-keeper, and such place on his own premises shall be considered a town pound, in relation to beasts therein impounded.

Provisions to apply when adopted by town.

SECTION 2. This act shall apply only to such towns as shall adopt the same by a vote of the majority of the legal voters present and voting at a town meeting duly held for the purpose.

Approved June 9, 1869.

Chap. 367

AN ACT CONCERNING STREETS AND HIGHWAYS.

Be it enacted, &c., as follows :

Assessment for betterment of real estate by altering street, &c., to be laid within two years.

SECTION 1. Whenever any real estate shall receive any benefit or advantage by the laying out, widening, extending, discontinuing, grading or altering of any street or highway, and be liable to assessment on account of the benefit or advantage so received, such assessment shall be laid within two years after the passage of the order for the laying out, widening, extending, discontinuing, grading or altering, and not afterwards.

Interest upon assessments, how to be apportioned.

SECTION 2. Whenever any assessment upon real estate for benefit or advantage received by any of the causes mentioned in the preceding section, shall be apportioned into three equal parts, and one of said parts added to the annual tax of said estate, each year for three consecutive years, interest shall be added to each of said parts, from the time of making the apportionment, to the time such part will become payable ; and all assessments laid upon real estate, for any of the causes mentioned in this act, which shall remain unpaid after the same becomes due or payable, shall draw interest from the time when the same became due or payable until the time of the payment thereof.

Buildings may be removed by municipal authorities at expense of owner.

SECTION 3. When any land taken for the laying out, widening or extending of any street or highway, is covered in whole or in part by a building or buildings, and such

building or buildings may be removed upon other adjoining land of the same owner, the mayor and aldermen of any city, and the selectmen of any town, may, if they deem it expedient, make such removal, if the owner of said building or buildings shall neglect to remove the same, after reasonable notice so to do; and the expenses of said removal, incurred by the mayor and aldermen, or selectmen, or the value thereof to the said owner, shall be allowed in reduction of the damages, which the said owner is entitled to recover.

SECTION 4. This act shall take effect upon its passage.

Approved June 9, 1869.

AN ACT CONCERNING THE APPORTIONMENT OF RENT.

Chap. 368

Be it enacted, &c., as follows:

SECTION 1. When any lands are held by lease of a person having an estate therein determinable on a life, or on any contingency, and such estate shall determine on or before the day on which any rent is reserved, or made payable, the lessor, his executors, administrators or assigns, may, if such estate determine on the day on which rent is made payable, recover the whole rent in an action of contract; or if such estate determine before such day, then a proportional part of such rent, according to the time such estate continued of the last period in which the said rent was growing due.

Rent, how payable when lands are held by lease of person having an estate therein determinable on a contingency.

SECTION 2. Whenever any written lease or estate at will is determined by surrender, either express or by operation of law, or by legal notice to quit for non-payment of rent, and such surrender or notice takes effect on or before the day on which rent is payable, the same shall be apportioned and recovered in like manner as provided in the preceding section.

—when written lease or estate at will is determined by surrender, &c.

SECTION 3. Whenever an estate at will is determined by the death of any party, on or before the day on which rent is payable, such rent shall be apportioned and recovered by the lessor, his executors or administrators, of and from the lessee, his executors or administrators, in like manner as provided in the first section of this act.

—when estate at will is determined by death of party before rent is payable.

SECTION 4. Upon the determination of a tenancy in any manner mentioned in this act, before the end of a period for which rent is payable, if the rent for such period shall have been paid before such determination, a proportional part thereof, according to the time of such period remaining after such determination, may be recovered back in an action of contract.

If rent has been paid for whole term of lease, &c., and tenancy is determined before term expires, a proportional part may be recovered back.

Approved June 9, 1869.

Chap. 369 AN ACT CONCERNING THE ERECTION OF STABLES IN THE CITY OF BOSTON.*Be it enacted, &c., as follows :*

Stables not to be built in Boston without consent in writing of board of aldermen.

SECTION 1. No person shall hereafter erect, occupy or use any building for a stable in the city of Boston, except in such place as the board of aldermen of said city shall first in writing approve and direct, and every person so erecting, using or occupying a building without such approval, shall forfeit a sum not exceeding fifty dollars, for every month he so uses or occupies such building, and in like proportion for a longer or shorter time ; this act shall not apply to any stable now erected, occupied or used, so long as the same is not enlarged or rebuilt.

Proviso.

S. J. C. may prevent building by injunction

SECTION 2. The supreme judicial court or any justice thereof, either in term time or vacation, may issue an injunction to prevent the erection, occupancy or use of any stable contrary to the provisions of this act.

When to take effect.

SECTION 3. This act shall take effect in three months after its passage.

Approved June 9, 1869.

Chap. 370 AN ACT TO AUTHORIZE THE TRUSTEES OF THE WESTBOROUGH REFORM SCHOOL TO DISPOSE OF CERTAIN BUILDINGS.*Be it enacted, &c., as follows :*

Trustees may sell certain buildings at auction.

SECTION 1. The trustees of the Reform School at Westborough, are hereby authorized and empowered to sell at public auction, to the highest bidder, the Old Farm House now standing on the premises, together with the outbuildings connected therewith, not necessary to the carrying on of farming operations ; to be removed from the premises aforesaid, within such reasonable time as said trustees may direct.

Proceeds to be applied to ordinary expenses

SECTION 2. The proceeds arising from said sale shall be applied by the treasurer of said institution toward defraying the ordinary expenses thereof.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1869.

Chap. 371 AN ACT TO AUTHORIZE THE TOWN OF GLOUCESTER TO PAY A SUM OF MONEY TO SHERBURNE F. MOREY, ON ACCOUNT OF INJURIES RECEIVED WHILE IN THE DISCHARGE OF HIS DUTY AS A POLICE OFFICER.*Be it enacted, &c., as follows :*

Gloucester may pay Sherburne F. Morey, a police officer, for injuries received.

SECTION 1. The town of Gloucester is hereby authorized to pay to Sherburne F. Morey, the sum of five hundred dollars, in accordance with the vote of the inhabitants of said town, at a town meeting held on the eighteenth day of May in the year eighteen hundred and sixty-nine ; the same being in consideration of injuries received by said Sherburne F. Morey

while in the discharge of his duties as a police officer in said town.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1869.

AN ACT IN ADDITION TO AN ACT CONCERNING JUVENILE OFFENDERS
IN THE CITY OF LOWELL.

Chap. 372

Be it enacted, &c., as follows :

Whoever being lawfully committed to the house of Employment and Reformation, under the provisions of chapter two hundred and forty-seven of the acts of eighteen hundred and forty-five, escapes therefrom, shall, upon conviction thereof before the court which originally committed, or before the police court of Lowell, be sentenced to be committed to said house of Employment and Reformation for a term not exceeding in length the term of the original sentence: *provided, however,* that this act shall not authorize the commitment of any person to said house, to extend beyond the period of his minority.

Persons escaping from house of reformation in Lowell may be recommit-
ted.

Proviso.

Approved June 9, 1869.

AN ACT TO AUTHORIZE THE DISTRICT-ATTORNEY FOR SUFFOLK
COUNTY TO APPOINT A CLERK.

Chap. 373

Be it enacted, &c., as follows :

SECTION 1. The district-attorney for the Suffolk district may appoint a clerk, removable at pleasure, who shall perform such clerical and other duties pertaining to the office, as may be required of him by the district-attorney; and such clerk shall be paid out of the treasury an annual salary of one thousand dollars.

District-attor-
ney for Suffolk
may appoint
clerk.

Salary.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1869.

AN ACT TO CONFIRM A VOTE OF THE TOWN OF WEST ROXBURY.

Chap. 374

Be it enacted, &c., as follows :

SECTION 1. The vote of the town of West Roxbury, passed on the twenty-ninth day of March, eighteen hundred and sixty-nine, appropriating two thousand dollars for the benefit of company A, first regiment Massachusetts volunteer militia, is hereby confirmed and made valid to the same extent as if such appropriation had been authorized by law.

Vote of West
Roxbury con-
firmed.

SECTION 2. Such sums as would become due from the Commonwealth on account of any uniforms heretofore procured or ordered by said company, had the same been procured at the expense of said company, shall be allowed and paid to said town from the treasury of the Commonwealth, upon the oath of the commanding officer of said company, made to the satisfaction of the adjutant-general that such

Certain sums to
be paid out of
State treasury.

Proviso.

uniforms have been procured: *provided*, that said company shall first consent that the same disposition shall be made of such uniforms as is provided by law in the case of uniforms on account of which payments are made by the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1869.

Chap. 375 AN ACT CONCERNING THE WADING RIVER RESERVOIR COMPANY.

Be it enacted, &c., as follows:

May flow lands
of other parties.

Compensation
for injuries.

SECTION 1. The Wading River Reservoir Company, incorporated by an act approved April twentieth, eighteen hundred and sixty-six, is hereby authorized to flow the lands of other persons by their reservoir dam; and any person whose land or property has been or shall be flowed or injured by such dam, except where compensation has been otherwise made, may obtain compensation therefor in the manner provided in chapter one hundred and forty-nine of the General Statutes, and in the several acts in addition thereto and amendment thereof.

May be required
to give security
for costs, &c.,
while complaint
is pending.

SECTION 2. The court in which any complaint for compensation is pending against said corporation, shall, if requested by the complainant, require said corporation to give security satisfactory to the court for the payment of all damages and costs which may be awarded upon such complaint; and if, upon the petition of the complainant, with notice to the corporation, the security appears to have become insufficient, the court shall require said corporation to give further security; and if the corporation shall neglect for one month, or such further time as may be allowed by the court, to comply with any order of the court requiring such security, said corporation shall lose all rights under this act; and the court or justice may, by injunction or other proper process, prohibit and restrain the corporation from flowing or injuring such land or property unless such security shall be given.

Failing to give
security, to lose
all rights under
this act.

Stockholders
jointly and sev-
erally liable.

SECTION 3. If the judgment on the complaint provided for in the second section of this act shall not be paid within three months from the rendition thereof, the stockholders of said corporation shall be, jointly and severally, liable to an action of contract thereon; and said stockholders shall also be jointly and severally liable in an action of tort for all damages which may result or have resulted in any manner, except by flowage, from the erection of said dam, to the same extent that individuals would be in like cases.

SECTION 4. This act shall take effect upon its passage.

Approved June 9, 1869.

AN ACT TO INCORPORATE THE ALBERT FIELD TACK COMPANY.

Chap. 376

Be it enacted, &c., as follows:

SECTION 1. George A. Field, James B. Field, Charles H. Field, their associates and successors, are hereby made a corporation by the name of the Albert Field Tack Company, for the purpose of manufacturing tacks, brads and nails in the city of Taunton; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding two hundred and fifty thousand dollars; and the whole capital stock shall not exceed five hundred thousand dollars: *provided, however,* that said corporation shall not go into operation until two hundred thousand dollars of its capital stock has been paid in in cash.

Real estate.

Capital stock and shares.
Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1869.

AN ACT TO LEGALIZE A CERTAIN MARRIAGE, AND FOR OTHER PURPOSES.

Chap. 377

Be it enacted, &c., as follows:

SECTION 1. Benjamin White of Weymouth, and Mary F. White, who is now, and has heretofore been reputed his wife, are hereby declared to be husband and wife to all legal intents and purposes. And William H. White, the son of said Benjamin and Mary F., is hereby declared to be the legitimate son of his said parents to all legal intents and purposes.

Benjamin and Mary F. White declared to be husband and wife.
Their son legitimate.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1869.

AN ACT RELATING TO DRAINAGE IN THE TOWNS OF MALDEN AND MELROSE.

Chap. 378

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and directed to take and lay out such land, water-courses and water rights, dams and other real estate, or interests, or easements, or rights therein, on or adjoining the streams or brooks running from Ell Pond in Melrose and Spot Pond in Stoneham, to the tide-water in Malden, as they shall deem necessary for the purposes of proper drainage and the public health; and they are also authorized, for the same purposes, to control the damming

Commissioners of Middlesex may control water from Ell and Spot Ponds for purposes of drainage.

—may widen channels and remove obstructions.

Damages, how determined.

Real estate owners to pay for betterments.

Assessment to be lien upon estate for two years.

Assessments on Boston and Maine Railroad and towns of Malden and Melrose.

Parties assessed to be notified.

If assessments are not paid within 90 days, warrants of distress may be issued.

up and letting off the waters of said ponds. And they may change, widen, straighten and deepen the channels of said brooks or streams, and remove all dams and other obstructions therefrom, and use and appropriate said brooks or streams, in such manner as they shall deem necessary for the purposes aforesaid. And if any person shall sustain damages to his property by reason thereof, and shall fail to agree upon the amount of the same, and to effect a settlement thereof with said commissioners, which they are hereby authorized to make, the same shall be determined, assessed and collected in the same manner as now provided by law for the determination, assessment and collection of damages in the laying out of highways.

SECTION 2. Every person holding real estate upon or near said brooks, which may be benefited by the acts of the commissioners herein before authorized, shall pay to the treasurer of the town in which said real estate shall be situated, such sum as said commissioners shall assess upon him as his proportionate share of the expenditure for the purposes aforesaid. And the sum so assessed upon him shall constitute a lien upon said real estate for two years from and after the time of such assessment. And if the amount so assessed shall not be paid within ninety days after notice thereof, the same may be levied by a sale of said real estate, to be conducted in the same manner as a sale of real estate for the non-payment of taxes.

SECTION 3. Said commissioners shall determine and award what proportion of the whole expenses, incurred for the purposes aforesaid, shall be assessed upon the Boston and Maine Railroad Corporation, and what proportion upon the towns of Malden and Melrose respectively. And said towns are hereby authorized and directed to raise the amount so assessed in the same manner as money is now raised by law for highways. But said towns may borrow the amounts so assessed upon them, or any part thereof, on such terms and for such periods of time, as shall be determined by a majority of those voting at any town meeting legally held for that purpose.

SECTION 4. The said commissioners shall, immediately after they have determined the amount of expenses, as herein before provided, notify said towns and said railroad corporation of the amounts assessed upon them respectively. And if said towns and railroad corporation, respectively, shall not make payment as ordered by said commissioners within ninety days after service of said order, or notice, the said commissioners shall issue their warrant of distress against

said corporations for the amount assessed thereon, together with interest upon the same from the time it was payable, and reasonable costs. And the same shall be enforced and collected in the same manner as orders by county commissioners are now by law enforced.

SECTION 5. Any person or corporation aggrieved by the doings of the commissioners, as herein before authorized, may, at any time within three months from the time of receiving notice of any assessment, apply for a jury to award the amount that shall be paid, in the manner provided in the sixth section of the forty-eighth chapter of the General Statutes; and the proceedings upon his said application shall be such as are therein provided.

Parties aggrieved may apply for a jury.

SECTION 6. The powers conferred upon said commissioners shall not be exercised unless the town of Malden or the town of Melrose shall, by a majority of those voting at a town meeting legally held for that purpose within one year from the passage of this act, approve the same. And if either of said towns shall fail to approve this act in manner aforesaid, then no greater sum shall be assessed upon such town for the expenses aforesaid than the amount assessed under the provisions of this act upon the real estate lying in such town, as being specially benefited by such improvements.

Subject to acceptance, &c., of towns of Malden and Melrose.

SECTION 7. This act shall take effect upon its passage.

Approved June 11, 1869.

AN ACT TO INCORPORATE THE HOLYOKE AND WESTFIELD RAILROAD COMPANY.

Chap. 379

Be it enacted, &c., as follows:

SECTION 1. J. C. Parsons and Edwin Chase of Holyoke, and Cutler Laffin of Westfield, their associates and successors, are hereby made a corporation by the name of the Holyoke and Westfield Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities which now are or may hereafter be in force relating to railroad corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said company may locate, construct, maintain and operate a railroad commencing at any convenient point on Front Street, in the town of Holyoke, thence passing through said town and through the towns of West Springfield and Westfield, by way of "Bush's Notch," to some convenient point on the New Haven and Northampton Railroad in the town of Westfield. Said company is also authorized and empowered to locate, construct, maintain and use one or more branch railroads, commencing at convenient points on their main line and in the town of Holyoke, and

May maintain railway from Holyoke to New Haven and Northampton R. R. in Westfield.

extending to manufacturing and mechanical establishments not more than one mile distant from the main line of said road.

May unite with Connecticut River and New Haven and Northampton Railroads.

SECTION 3. Said corporation may enter upon and unite its road with the roads of the Connecticut River Railroad Company and the New Haven and Northampton Company, or either of them, and use said railroads, subject to the provisions of the general laws relating to railroad corporations.

May lease railroad.

SECTION 4. Said corporation may lease its road to any other railroad corporation with whose track it may connect, upon such terms and conditions as the directors of the contracting corporations may determine, subject to the approval of a majority of the stockholders of such respective corporations present and voting at legal meetings called for the purpose.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall be fixed by the directors thereof at an amount of not less than two hundred thousand dollars, and not more than three hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary or convenient for the purposes for which it is incorporated.

Real estate.

Holyoke may take stock in road.

SECTION 6. The town of Holyoke may by a vote at any town meeting called for the purpose, subscribe for and hold shares in the capital stock of said railroad company, to an amount not exceeding three per centum of the assessed valuation of the town, and may pay for such stock from its treasury and by loan upon bonds, or otherwise provide all moneys required to pay for the same.

—to be represented by agents at stockholders' meetings.

SECTION 7. The town of Holyoke shall, at each annual town meeting and whenever a vacancy shall exist, choose an agent or agents who shall represent the town at any meeting of said Holyoke and Westfield Railroad Company, and may vote on the whole amount of stock held by the town, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

Manufacturing corporations in Holyoke may take stock in road.

SECTION 8. Any manufacturing corporation having its office, place of business or factory in the town of Holyoke, may by vote of two-thirds of its stock represented at any meeting called for the purpose, subscribe for and hold stock in the Holyoke and Westfield Railroad Corporation.

To be located within three years and built in five years.

SECTION 9. This act shall be void unless the location of said railroad shall be made within three years, and the con-

struction thereof be completed within five years from the passage thereof.

SECTION 10. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT RELATING TO THE SALEM WATER WORKS AND TO SUPPLYING THE INHABITANTS OF BEVERLY WITH WATER THEREFROM.

Chap. 380

Be it enacted, &c., as follows:

SECTION 1. In order readily to supply the inhabitants of the town of Beverly with water, under the provisions of section fifteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four, the city of Salem is hereby granted any additional authority necessary to lay, construct and maintain within the limits of said town, pipes, aqueducts or other structures in connection with the water works of said city, and to distribute and supply water therefrom to the inhabitants throughout said town, or in any part thereof, upon the application of the selectmen of said town from time to time, in the same manner as it may throughout said city. And for this purpose said city may carry its pipes over or under any water-course, street, railroad, highway or other way within said town, in such manner as not to obstruct the same; and may enter upon and dig up such roads, streets or ways for the purpose of laying down, maintaining and repairing its pipes or other structures, and may do any other acts necessary and proper in executing the purposes of this act: *provided*, that if said city shall thus lay pipes in said town, it shall have the same control over said pipes and may regulate the use of the water within said town, and establish the rates to be paid therefor, in the same manner as it exercises such authority within its own limits.

Salem to supply Beverly with pure water.

Proviso.

SECTION 2. The town of Beverly is hereby authorized to make such agreement with the city of Salem, for supplying the inhabitants of said town with water, as can be mutually determined. And in case said town shall not before the twentieth day of June of the present year, agree with said city as to the laying of pipes for such supply, then said town may erect and maintain within its own limits, such works and structures in connection with the water works of the city of Salem, as may be requisite for the distribution and supply of water from said works to the inhabitants of said town. And for this purpose said town may from time to time lay, construct and maintain pipes or other structures in, over or under any of the streets, roads or ways within its limits, and connect the same with any or all of the branches already inserted into the main supply-pipe of said Salem water

Salem and Beverly to agree upon terms, &c., for supply of water.

If agreement is not made, Beverly may erect and maintain structures, &c.

Proviso.

works upon the line of Cabot and Rantoul Streets in said town of Beverly, or at any other point that may be mutually agreed upon : *provided*, that said connections shall be made under the immediate supervision of the engineer or superintendent of the Salem water works, and in accordance with his reasonable directions ; and said pipes shall at all times be subject to the reasonable supervision and control of said city, which shall also have the right to regulate the use of the water in said town by the inhabitants thereof ; but no more stringent regulation in regard to such use shall be imposed upon the inhabitants of said town at any time, than are imposed upon the inhabitants of said city. And for the purposes aforesaid, said town may carry its pipes over and under any water-course, street, railroad, highway or other way in such manner as not to obstruct the same ; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining and repairing its pipes, and may do any other acts or things necessary and proper in executing the purposes of this act.

Compensation for use of water, how determined.

SECTION 3. Said city and the inhabitants of said town may make any agreement as to the equitable compensation to be paid for the use of water as aforesaid ; which in case of difference, shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by the court, shall be binding upon the parties for the term of five years, according to the provisions of section fifteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-eight.

Remedies if superintendent of works fails to direct connection of pipes.

SECTION 4. In case the superintendent of the Salem water works shall neglect or refuse to give reasonable directions in reference to the connection of the pipes laid by the town of Beverly, with the branches of the main supply-pipe of the Salem water works, or at any other point that may have been mutually agreed upon, the said town of Beverly may make application through its selectmen to the city of Salem, for such directions in reference to making said connections, as may be desired, which application shall contain a specific description of what is proposed to be done ; and in case said city shall refuse to give such directions within three days, or in case no answer shall be returned within said three days, application may be made to the engineer of the Boston water works for the time being, who after three days' notice to the city of Salem, shall hear the parties and determine whether the directions requested by said town of Beverly, in reference to the making of such connections, are reasonable ;

and in case he shall find that they are reasonable, the city of Salem shall be required to make such connections in accordance with such directions. Said engineer shall be allowed a reasonable compensation per day and his expenses, to be paid by the town of Beverly, and in case he shall find that the directions applied for are reasonable, said compensation and expenses may be recovered by the town of Beverly of the city of Salem.

Compensation of engineer.

Expenses, by whom paid.

SECTION 5. Whenever the county commissioners of the county of Essex shall, under the provisions of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and fifty-six, lay out a highway and cause to be built a bridge across Bass River in the town of Beverly, then for the purpose of supplying water to its inhabitants westerly of said river, the said town may in connection with said bridge erect suitable structures and works for carrying, preserving and maintaining water-pipes across said river and over or under the water-course of the same. And in case said commissioners shall not during the present year, lay out said highway and bridge, then the selectmen of said town of Beverly, upon proceedings had as in the case of town ways, may lay out a town way and bridge within the limits and upon the conditions specified in said chapter as to a highway and bridge, subject to the acceptance of said town; and said town may then erect and maintain in connection with such bridge, similar works to those herein authorized, in case the same is laid out by the county commissioners as aforesaid.

Pipes may be carried across Bass River when commissioners lay out highway and build bridge there.

If commissioners do not build bridge this year Beverly may do it.

SECTION 6. The town of Beverly is hereby authorized to raise by loan or by taxation, any and all sums of money which may be necessary to enable said town fully to carry out the authority granted to it by this act.

Beverly may raise money by loan or taxation.

SECTION 7. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO AUTHORIZE TOWNS TO RAISE MONEY TO ENCOURAGE THE PLANTING OF SHADE TREES.

Chap. 381

Be it enacted, &c., as follows:

Any town may at a legal meeting grant and vote a sum not exceeding twenty-five cents for each of its ratable polls in the year next preceding that in which such appropriation is made, to be expended under the direction of the selectmen in premiums, or in any such manner as they may deem most effectual to encourage the planting of shade trees by the owners of real estate, upon the public squares, or highways, adjoining such real estate.

Towns may grant money to encourage planting shade trees.

Approved June 12, 1869.

Chap. 382**AN ACT TO PREVENT GAMING IN PUBLIC CONVEYANCES.***Be it enacted, &c., as follows :*

Games for money not to be played in public conveyances.

Penalty.

Parties offending may be arrested without warrant.

Whoever in any railroad car, steamboat or other public conveyance, plays at cards, dice or other game for money or other property, or bets on the sides or hands of such as are so playing, shall for each offence forfeit a sum not exceeding fifty dollars, or be imprisoned in the house of correction for a term not exceeding three months. If he is discovered in the act, he may be arrested by any sheriff, deputy-sheriff, constable, or other civil officer, and lawfully detained, by imprisonment in jail or otherwise, not exceeding twenty-four hours, until a complaint is made against him for the offence.

Approved June 12, 1869.

Chap. 383**AN ACT CONCERNING RESERVOIR COMPANIES.***Be it enacted, &c., as follows :*

Reservoir companies may flow lands of other persons.

Compensation for damages.

Corporation to give security for damages, &c., while complaint is pending.

SECTION 1. Any reservoir company incorporated by any act of this Commonwealth, is hereby authorized to flow the lands of other persons by their reservoir dam; and any person whose land or property has been or shall be flowed or injured by such dam, except where compensation has been otherwise made, may obtain compensation therefor in the manner provided in chapter one hundred and forty-nine of the General Statutes, and in the several acts in addition thereto and amendment thereof.

SECTION 2. The court in which any complaint for compensation is pending against any such corporation, shall if requested by the complainant, require said corporation to give security satisfactory to the court for the payment of all damages and costs which may be awarded upon such complaint; and if, upon the petition of the complainant, with notice to the corporation, the security appears to have become insufficient, the court shall require said corporation to give further security; and if the corporation shall neglect for one month, or such further time as may be allowed by the court, to comply with any order of the court requiring such security, said corporation shall lose all rights under this act, and the court or justice may, by injunction or other proper process, prohibit and restrain the corporation from flowing or injuring such land or property until such security shall be given.

SECTION 3. This act shall take effect upon its passage.

Approved June 12, 1869.

ACT FOR ENCOURAGING THE CULTIVATION OF USEFUL FISHES. *Chap. 384*
it enacted, &c., as follows :

SECTION 1. All the laws of the Commonwealth relating the culture, preservation, capture, or passage of fish, shall known as the laws relating to Inland Fisheries. Inland Fisheries.

SECTION 2. The commissioners, under chapter two hundred and thirty-eight of the acts of eighteen hundred and fifty-six, shall be styled the Commissioners on Inland Fisheries, and shall be a board consisting of three persons appointed by the governor, by and with the advice and consent of the council, each for a term of five years from the time of his appointment. Vacancies in the board by the expiration of the terms of service of the members, or otherwise, shall, from time to time, be filled in like manner and for like terms of time. Commissioners on Inland Fisheries to be appointed by governor.

SECTION 3. Each of said commissioners may personally, or by deputy, enforce all laws regulating inland fisheries; and may seize and remove, summarily if need be, all obstructions to the passage of migratory fish illegally used, except dams, mills or machinery, at the expense of the persons using and maintaining the same. —may enforce all laws regulating fisheries.

SECTION 4. Whenever either of said commissioners finds that there is no fishway or an insufficient fishway in or around a dam where the law requires a fishway to be kept and maintained, he may, at his discretion, enter with workmen and materials upon the premises of the person or corporation required to maintain said fishway, and may improve said fishway, or cause one to be constructed where none exists, at the expense of said person or corporation, and may take, if necessary, the land of any other person or corporation not obliged by law to maintain said fishway: *provided*, compensation shall be rendered to the owner thereof, in the manner provided in relation to land taken for highways, and said expense shall be a charge against said person or corporation required by law to construct and maintain such fishway, to be recovered in an action of contract in the name of the Commonwealth, with costs and interest at the rate of twelve per cent.: *provided*, that when a fishway has been constructed in accordance with the provisions of this section, said commissioners shall not require the alteration of the same by the owner of the dam within five years from the completion of the same. —may construct or improve necessary fishways at expense of person or corporation owning premises.

SECTION 5. Said commissioners may take, or cause to be taken, any fish, at any time or manner for purposes connected with fish culture, or with scientific observation. Provisos.
—may take fish for culture at any time.

—may pass over private property.

SECTION 6. Each of said commissioners may, in the discharge of his duties, enter upon and pass through or over private property without rendering himself liable in action for trespass.

Riparian proprietors of ponds of not more than 20 acres, and owners of artificial ponds, to have exclusive control of fisheries.

SECTION 7. The riparian proprietors of any pond, the superficial area of which is not more than twenty acres, and the proprietors of any pond or parts of a pond, created by artificial flowage, shall have exclusive control of the fisheries therein existing, but this shall not abridge any rights, heretofore granted, to fish for herring or alewives in ponds of the above dimensions which are connected with salt water, nor affect any previous laws restricting fishing for any period of time.

Fisheries to be public in ponds of over 20 acres.

SECTION 8. The fishery of any pond, the superficial area of which is more than twenty acres, shall be public, except such as may have been specially granted by law or leased as hereinafter provided, and all persons shall, for the purpose of fishing, be allowed reasonable means of access to the same, without rendering themselves liable to prosecution or action for trespass.

—may lease ponds of over 20 acres for cultivating useful fishes.

SECTION 9. The commissioners, or any two of them, may, in the name of the Commonwealth, lease any great pond, exceeding twenty acres in area, for the purpose of cultivating useful fishes; for such periods of time and on such terms and conditions as shall seem to said commissioners most for the public good; and the lessee of such pond may occupy a portion, not exceeding one-tenth part thereof, with inclosures and appliances for the cultivation of useful fishes; but this shall not affect any public rights in such pond, other than the right of fisheries; and the appliances and inclosures used by the lessee shall be so placed as not to debar ingress to or egress from such pond at proper places.

Lease not to affect public rights in pond.

SECTION 10. The commissioners shall have the custody of all leases made under the provisions of this act, and may cause any agreements, rights, reservations, forfeitures and conditions therein contained to be enforced, and for that purpose may institute proceedings in the name of the Commonwealth, and may take possession of any premises, for conditions in such lease thereof being broken, and revesting the Commonwealth therewith may again lease the same.

—to have custody of leases, and to see that conditions are enforced.

Ponds to be measured by county commissioners at request and expense of party interested.

SECTION 11. The county commissioners for each county shall, upon the request and at the expense of any party claiming to be interested in any great pond, cause the same to be measured, and such measurement when determined shall be recorded in the town clerk's office of each town within which said pond is situated; and said measurement

hall take place in the month of July, and no arm or branch hall be computed as a part of any pond, unless said arm or ranch be at least fifty feet in width and one foot in depth.

SECTION 12. The riparian proprietors of any pond of less rea than twenty acres, shall have all the privileges given hem by section seven as soon as the said county commis-ioners have determined that their ponds do not exceed the above limit.

When riparian proprietors may exercise their rights.

SECTION 13. Any pond within the limit of twenty acres a area, bounded in part by land belonging to a town or county of the Commonwealth, shall only become the exclu-sive property of the individual proprietors as to the fisheries therein, upon payment to the town treasurer, county com-missioners or state treasurer, of a just compensation for their respective rights therein, to be determined by a board of three persons, one of whom shall be one of the riparian proprietors of said pond, one the chairman of the board of selectmen, if the rights of a town are in question, or of the county commissioners, if the rights of a county or the Com-monwealth are in question, and one to be appointed by the commissioners on inland fisheries.

Ponds of less than 20 acres to be private property, upon pay-ment of a sum to be determin-ed by a board of three persons to be appointed.

SECTION 14. For the purposes of this act, no tidal stream shall be considered navigable above the point where, on the average throughout the year it has a channel less than forty feet wide and four feet deep during the three hours nearest the hour of high tide.

What tidal stream to be deemed navi-gable.

SECTION 15. The governor, with the advice and consent of the council, upon the recommendation of the commis-sioners on inland fisheries, may limit or prohibit, for a period not exceeding five years at a time, fishing in the navigable tidal waters of specified streams, and in the unnavigable waters of streams, except in such portions as may be inclosed, according to the provisions of section sixteen; and whoever fishes in streams whose fishery is thus limited or prohibited, shall forfeit for the first offence ten dollars, and for every subsequent offence fifty dollars, and shall in addition forfeit all fish captured and apparatus used.

Fishing in cer-tain waters may be limited, &c., by gov-ernor and coun-cil.

Penalty.

SECTION 16. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navigable, for the cultivation of useful fishes: *provided*, he furnishes a suitable passage for migratory fishes naturally frequenting such waters.

Riparian owner may inclose waters for cul-tivation of use-ful fishes. Proviso.

SECTION 17. The governor, by and with the advice and consent of the council, may, for the purposes of this act, arbitrarily fix and define the tidal bounds and mouths of

Tidal bounds and mouths of streams.

streams upon recommendation of the commissioners of inland fisheries.

Fishes artificially propagated.

SECTION 18. Fishes artificially propagated or maintained shall be the absolute property of the person propagating or maintaining them.

Penalty for fishing where fish are artificially propagated.

SECTION 19. Whoever fishes in that portion of a pond, stream or other water in which fishes are lawfully artificially cultivated or maintained, without the permission of the proprietors, shall forfeit not less than one dollar nor more than twenty dollars for the first offence, and not less than five nor more than fifty dollars for any subsequent offence.

Fish artificially propagated to be under control of owner.

SECTION 20. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own waters how and when he pleases, and may have them in his possession for purposes properly connected with said culture and maintenance, and may at all times sell them for these purposes, but shall not sell them for food at seasons when their capture is prohibited by law.

Seines or nets of less than five-inch mesh not to be used in certain waters, under penalty.

SECTION 21. Whoever, between the fifteenth of April and the fifteenth of December, in each year after this year, use any sweep-seine or hand or dip-net in the waters of the Connecticut, Westfield, Deerfield, Miller's, Merrimack, Nashua or Housatonic Rivers or their tributaries, having a mesh which stretches less than five inches when new and dry, shall forfeit, for the first offence, twenty-five dollars, and for every subsequent offence, fifty dollars; and in each case shall also forfeit the apparatus thus unlawfully used, and the fish captured.

How seines may be used.

SECTION 22. Whoever uses any sweep-seine or combination of sweep-seines in such a manner as at any moment to close or seriously obstruct more than two-thirds of the width of the stream at the place where it is used; and whoever delays or stops in paying out or hauling any sweep-seine, or hauls any sweep-seine within one-half mile of a point where such seine has been hauled within an hour, shall be liable to the same penalties and forfeiture set forth in the preceding section: *provided*, that this section shall not apply to seines used in the smelt fishery; and *provided, further*, that none of the provisions of this section shall affect the fisheries for shad or alewives in Taunton Great River.

Penalty.

Provisos.

How salmon-pots may be used

SECTION 23. Whoever at any time obstructs with a salmon-pot more than one-half of a waterfall, channel or rapid, or sets, uses or maintains in any of the waters of this state a salmon-pot, the diameter of which is more than two feet, or who, when the taking of salmon is forbidden by law, sets, uses or maintains in any of such waters, any salmon-pot

whatever, shall forfeit said salmon-pot and all fish captured, and shall pay ten dollars for the first offence, and twenty for every subsequent offence. Penalty.

SECTION 24. Whoever takes salmon, shad or alewives in any of the waters of this Commonwealth, except the Connecticut, Taunton Great, Nemasket and Merrimack Rivers, or their tributaries, in any other manner than by naturally or artificially baited hook and hand-line, on any day of the week but Monday, Wednesday, Friday and Saturday, shall forfeit for each offence the penalties prescribed for taking these species of fish at seasons prohibited by law. Penalty for taking salmon, &c., except by hook and hand-line, on certain days.

SECTION 25. Every clerk, superintendent or other officer having charge of a market, provision store or other place where fish are sold, shall immediately inform a constable or a trial justice in the town or city where said premises are situated, when any fish which has been taken in violation of law, has been offered for sale on said premises: *provided*, that such clerk, superintendent or other officer shall know or have reasonable cause to believe that said fish has been so taken; and for each neglect so to do, such clerk, superintendent or other officer shall pay a fine of not less than five dollars nor more than fifty. Information to be given when fish unlawfully taken are offered for sale.

SECTION 26. Whoever takes or catches fishes which at any season frequent fresh water, except eels and pickerel, in any other manner than by artificially or naturally baited hook and hand-line, hand or dip-net, sweep-seine or salmon-pot, shall forfeit a sum not less than five dollars nor more than fifty dollars: *provided*, that nothing herein contained shall authorize the taking or catching of trout, land-locked salmon or lake trout, in any other manner than by hook and hand-line; and *provided*, that towns may be allowed to permit the use of set-nets for the capture of herring or alewives. Fish in fresh water, except eels and pickerel, to be taken only by hand-line, &c.

SECTION 27. Whoever takes or catches any salmon within the limits of this Commonwealth, or who buys, sells or has in possession the same taken within said limits between the first day of August and the first day of May, shall forfeit for each offence not less than ten, nor more than fifty dollars; and whoever buys, sells or has in possession any young salmon less than one foot in length shall forfeit five dollars for every young salmon of said dimensions bought, sold or had in possession. Penalty.

SECTION 28. Whoever takes or catches any trout, land-locked salmon or lake trout, within the limits of this Commonwealth, or buys, sells or has in possession the same taken within said limits between the twentieth day of September Penalty for taking, &c., trout, &c., between 20th September and 20th March.

Young salmon.

and the twentieth day of March in each year, or takes or catches any trout, land-locked salmon or lake trout with any net or salmon-pot, at any season of the year, shall forfeit for each offence a sum not less than one nor more than twenty dollars.

Shad not to be taken between March 1st and June 15th.

SECTION 29. Whoever catches any shad at any other season than between the first day of March and the fifteenth day of June, shall forfeit for each shad five dollars.

Black bass.

SECTION 30. Whoever takes or catches any black bass in any of the ponds or streams of this Commonwealth from the first day of December to the first day of June in each year, or at any time except with naturally or artificially baited hook and hand-line, or buys, sells or has in possession any such fish taken within the limits of this Commonwealth, shall forfeit for each offence not less than two nor more than twenty dollars.

Smelts.
White perch.

SECTION 31. Whoever takes or catches any smelts or white perch, in any of the waters of this Commonwealth, in any other manner than by naturally or artificially baited hook and hand-lines, between the fifteenth day of March and the first day of June, in each year, or takes or catches any smelts with a net of any kind, on any known spawning ground within said Commonwealth, shall forfeit for each smelt so taken or caught, the sum of twenty-five cents: *provided*, that nothing herein contained shall apply to any person catching smelts in any seine or net in Taunton Great River, or in Dukes County while fishing for herring or alewives, or to the lessees of the towns of Yarmouth and Dennis while fishing for perch or alewives in Bass River or its tributaries, or to any person lawfully fishing for perch, herring or alewives in either branch of Westport River.

Penalty.
Proviso.

SECTION 32. Actions and prosecutions under the laws relating to inland fisheries shall not be commenced except within four months from the time when the cause of action accrues or the offence is committed.

Limitation of actions and prosecutions.

SECTION 33. One-half of the money recovered as a penalty in any case arising under the laws relating to inland fisheries, shall be paid to the person making the complaint in the case in which the same is recovered, and the remainder to the Commonwealth.

One-half of penalty to be paid to complainant.

Repeal.

SECTION 34. The two hundred and forty-ninth chapter of the acts of the year eighteen hundred and sixty-six, and the one hundred and seventy-ninth chapter of the acts of the year eighteen hundred and sixty-eight, and all legislation heretofore enacted limiting the time and season when pickerel may be taken, are hereby repealed. *Approved June 12, 1869.*

AN ACT TO PROVIDE FOR DAILY SESSIONS OF POLICE AND MUNICIPAL COURTS, FOR THE TRANSACTION OF CRIMINAL BUSINESS. *Chap. 385*

Be it enacted, &c., as follows:

Police courts and municipal courts, shall be held for the transaction of criminal business, daily, except on Sundays and legal holidays. *To be held daily for criminal business.*

Approved June 12, 1869.

AN ACT TO PROVIDE ADDITIONAL PENALTIES FOR ENTERING A DWELLING-HOUSE IN THE NIGHT TIME OR BREAKING AND ENTERING IN THE DAY TIME. *Chap. 386*

Be it enacted, &c., as follows:

SECTION 1. Whoever is convicted of any offence set forth in section fourteen of chapter one hundred and sixty-one of the General Statutes, shall be punished by imprisonment in the state prison not exceeding ten years, or by fine not exceeding five hundred dollars, and imprisonment in the jail not exceeding two years. *Amendment to G. S. 161, § 14.*

SECTION 2. This act shall not affect any prosecutions now pending, nor any offence under said section fourteen, committed before this act shall take effect. *Prosecutions pending, &c., not affected.*

Approved June 12, 1869.

AN ACT TO GIVE JURISDICTION TO THE PROBATE COURT OF DUKES COUNTY IN MATTERS RELATING TO THE IMPROVING OF MEADOWS AND SWAMPS. *Chap. 387*

Be it enacted, &c., as follows:

SECTION 1. The probate court of the county of Dukes County shall have concurrent jurisdiction with the superior court for said county over all matters relating to the improving of meadows and swamps, under chapter one hundred and forty-eight of the General Statutes. *Probate court to have concurrent jurisdiction with superior court in Dukes County relating to improvement of meadows.*

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO UNITE THE CITY OF HAVERHILL AND THE TOWN OF BRADFORD. *Chap. 388*

Be it enacted, &c., as follows:

SECTION 1. All the territory now comprised within the limits of the town of Bradford, in the county of Essex, with the inhabitants and estates therein, is hereby annexed to and made a part of the city of Haverhill, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the said city of Haverhill: *provided, however,* that until legally changed, said territory shall continue to be, for the purpose of electing senator, part of the fourth Essex senatorial district; all the duties now required by law to be performed by the selectmen and town clerk of the town of Bradford, or either of *Bradford annexed to Haverhill.*

Proviso.

them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon the board of aldermen and city clerk of Haverhill.

Property of
Bradford to be
vested in
Haverhill.

Treasurer of
Bradford to
turn over books
and property
to treasurer of
Haverhill.

Actions to sur-
vive where
Bradford is a
party.

Subject to a
vote of the
voters of Brad-
ford and Haver-
hill.

Meetings to be
held Sept. 1st,
1869.

Return of votes
to be made to
secretary of

SECTION 2. All the public property of the said town of Bradford shall be vested in and is hereby declared to be the property of the city of Haverhill; and said city of Haverhill shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said town of Bradford. The town treasurer of the town of Bradford shall, on or before the second Monday of January, eighteen hundred and seventy, under the direction of the selectmen of said town of Bradford, who shall for this purpose and all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices over, transfer, deliver, pay and account for to the city treasurer of the city of Haverhill, all books, papers, moneys and other property in his possession as town treasurer of said town of Bradford, when this act shall take effect, and the city of Haverhill shall become liable for, and subject to all the debts, obligations, duties, responsibilities and liabilities of said town of Bradford. All actions and causes of actions which shall be pending or which shall have accrued at the time this act shall take effect, in behalf of or against the town of Bradford, shall survive and may be prosecuted to final judgment and execution in behalf of or against the city of Haverhill.

SECTION 3. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Haverhill, present and voting thereon by ballot at a meeting which shall be held in said city of Haverhill, and also by a majority of the legal voters of the town of Bradford, present and voting thereon by ballot, at a meeting which shall be held in said town. Said meetings shall be held on the first day of September next, and upon notice thereof duly given at least seven days before the time of said meetings, and the polls shall be opened at twelve o'clock, noon, of said day, and shall be closed at four o'clock in the afternoon. The ballots given in shall be assorted, counted and declared in the meeting in which they are given in the city of Haverhill, in open meeting, and shall be registered in the city records. And in the town of Bradford the ballots given in shall be assorted, counted and declared in open town meeting, and shall be recorded upon the records of the town.

It shall be the duty of the selectmen of the city of Haverhill to certify as soon as may be the ballots cast in the city

of Haverhill, and the number of ballots cast in favor of this act, and the number of ballots cast against said acceptance in said city to the secretary of the Commonwealth.

Commonwealth.

The selectmen of the town of Bradford shall as soon as may be, make a like return of the ballots cast in said town, and the number of ballots cast in favor of accepting this act, and the number of ballots against said acceptance in said town to the secretary of the Commonwealth; and if it shall appear that the majority of the votes cast in the city of Haverhill, and a majority of the votes cast in the town of Bradford, respectively, is in favor of accepting this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Secretary to issue certificate if act is accepted.

SECTION 4. So much of this act as authorizes and directs the submission of this question of acceptance of this act to the legal voters of said city and town, respectively, provided in the third section of this act, shall take effect upon its passage.

Part of act to take effect upon its passage.

SECTION 5. If this act shall be accepted as herein provided, it shall take effect on the third day of November, in the year eighteen hundred and sixty-nine, so far as to authorize, legalize and carry into effect the acts and provisions of the third and fourth sections of this act; but for all other purposes, except as mentioned in sections third and fourth of this act, it shall take effect on the first Monday of January, in the year eighteen hundred and seventy.

If act is accepted, when to take effect.

SECTION 6. In dividing the city of Haverhill into wards, as provided in section fourth of the act to establish the city of Haverhill, passed March the thirty-first, eighteen hundred and sixty-nine, the selectmen mentioned in said act, shall include the territory hereto annexed to the city of Haverhill: *provided*, this act be accepted as aforesaid, and divide said city into seven wards.

Haverhill to be divided into seven wards.

SECTION 7. If this act shall be accepted as herein provided, the act aforesaid establishing the city of Haverhill, shall be and hereby is so amended as to give full force and effect to this act.

Proviso.

Amendment to city charter of Haverhill.

SECTION 8. If any election or balloting upon the question of the acceptance of this act by either said city or said town, shall within two months thereafter, be declared void by the supreme judicial court upon summary proceedings, which may be had in any county, upon the petition of fifty voters of either of said city or said town, the question of accepting said act shall again be submitted to the legal voters of said city or town, and a meeting therefor shall within thirty days thereafter be called, held, conducted, and the votes returned,

If balloting is declared void by S. J. C. question of acceptance to be again submitted to the people.

and other proceedings had thereon in like manner as herein before provided. But no election or balloting shall be held void for informality in calling, holding or conducting the election or returning the votes or otherwise, except upon proceedings instituted therefor, and determined within sixty days thereafter as aforesaid.

Approved June 12, 1869.

Chap. 389 AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPDEN TO CONSTRUCT TWO DIKES IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, &c., as follows :

Selectmen may take soil, &c., to repair dikes.

SECTION 1. The selectmen of the town of West Springfield, or any person employed by or acting under authority from them, shall have the right at any and all times to enter upon any land adjoining or in the vicinity of the dikes constructed by said commissioners under chapter eighty of the acts of the year eighteen hundred and sixty-eight, and to take and remove therefrom the soil, sand, turf and other material which may be needed to maintain, repair and rebuild said dikes, or either of them.

—to determine damages, and notify persons of amounts allowed.

SECTION 2. The said selectmen shall, within two months after completing any repairs or rebuilding of said dikes, or either of them, determine the amount of damages caused to the several owners of land so entered upon, and they shall as soon as practicable thereafter, give to the said owners notice of such determination by giving to each of them a copy of such determination, when known to such selectmen, and residents of said West Springfield, and when not known, or not such residents, by posting a copy thereof on or near the premises so entered upon.

Parties aggrieved may apply for a jury within two months after notice.

SECTION 3. Within two months after the giving of the notices as aforesaid, of the determination of the selectmen, as to the amount of damages caused as aforesaid, any person or corporation aggrieved thereby may apply for a jury to revise such determination ; such application shall be made in like manner, and the proceedings thereon shall be the same as in the case of a jury called to revise the judgment of the county commissioners in awarding damages for laying out, altering or discontinuing highways ; such application shall contain a specification of the objections made to the determination of the selectmen, to which specification the party shall be confined at the hearing.

Specification of objections to award must be made.

Costs, how and by whom to be paid.

If upon the hearing the jury do not increase the amount allowed as damages by the selectmen, the costs and charges incurred by reason of the application shall be paid by the person who recognizes for the payment of costs ; otherwise such costs shall be paid by the town.

Any person or corporation who shall neglect to make application as herein provided shall be concluded upon the question of damages by the determination of the selectmen.

SECTION 4. The amounts awarded as damages as aforesaid shall be paid by the town of West Springfield, and the sums so paid and all the costs and expenses incurred by the town incident thereto, shall be taken to be a part of the expenses of maintaining, repairing and rebuilding said dikes, and shall be borne in the same proportions, and by the same parties, and assessed and collected in the same manner, as is provided in said act for said expenses.

Damages awarded to be paid by West Springfield, and to be deemed part of expenses of maintaining dikes.

Approved June 12, 1869.

AN ACT CONCERNING SIDEWALKS IN THE CITY OF WORCESTER.

Chap. 390

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Worcester is hereby authorized to establish and grade sidewalks and set curbstones in such streets in said city as the public convenience may require, and construct the same with such material as the city council shall deem expedient ; and may, in like manner, from time to time, re-establish, grade, reconstruct and repair such sidewalks and curbstones, and any sidewalks and curbstones heretofore established in said city ; and may assess upon the abutters on such sidewalks the whole or any part of the expense of the same, that portion of the expense not so assessed being paid by said city. All assessments so made shall be a lien upon the abutting lands in the same manner as taxes are a lien on real estate, and may be collected in the same manner as taxes on real estate are now collected.

May establish and grade sidewalks.

May assess expense upon abutters. Assessments to be lien upon estate and collected like other taxes.

SECTION 2. This act shall take effect whenever the city council of said city shall accept the same.

When to take effect.

Approved June 12, 1869.

AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE CITY OF CAMBRIDGE, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Chap. 391

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of Cambridge may order the owners of the land in said city, or any of them, situated and lying within the district which is bounded on the north-east by Broadway, on the south by Main Street, and on the west by Moore and Gilpin Streets, to raise the grade of said land, filling up the same with good material to a grade not less than twelve feet above mean low-water, with reference to a complete drainage thereof, and to the abatement of the present nuisance and to preserve the health of the city.

Owners of certain lands in Cambridge may be ordered to raise grade.

Order to be made in writing and served upon owners.

SECTION 2. Such order shall be made in writing and served upon said owners or their authorized agents in the manner prescribed in section nine of chapter twenty-six of the General Statutes, for the service of orders made by boards of health for the abatement of nuisances.

If owner fails to comply, mayor and aldermen may raise the grade, and expense to be lien upon land, and amount collected like taxes.

SECTION 3. If the owner of any such land fails to comply with such order within three months after the service of said notice, the mayor and aldermen of said city may raise the grade thereof, filling up the same with good materials to a height not more than twelve feet above mean low-water, and all necessary expenses incurred thereby shall constitute a lien upon said land, and may be collected in the manner now provided for the collection of taxes upon real estate; and at any sale of said lands taken for non-payment of said expenses, the city collector shall have the same right to purchase said land in behalf of the city of Cambridge as the city collector now has by law in the case of lands sold for taxes.

Persons dissatisfied with assessment may apply to county commissioners within six months.

SECTION 4. Any person entitled to any estate in any part of the land the grade of which shall be so raised by the said mayor and aldermen, who shall be dissatisfied with the assessment of the expense of raising the grade of his land may, within six months after receiving notice of said assessment, make a complaint to the county commissioners in the county of Middlesex. Said commissioners shall thereupon order a jury, who shall have power to revise said assessment in the same manner as is provided in chapter forty-three of the General Statutes in cases where persons are aggrieved by the assessment of damages by selectmen. If the assessment is reduced the charges arising on said complaint shall be paid by the city of Cambridge; otherwise the same shall be paid by the complainant.

Commissioners to order jury.

Costs.

Persons dissatisfied may notify city thereof within sixty days.

City to take property and pay damages to owner forthwith if parties agree.

SECTION 5. Instead of making a complaint to the county commissioners, as provided in the preceding section, any person dissatisfied with the assessment of the expense of raising the grade of his said land, may give notice thereof to said mayor and aldermen within sixty days after he shall receive notice of said assessment, and the city of Cambridge shall thereupon take said land, and shall, within sixty days thereafter, file in the office of the registry of deeds, for the southern district of the county of Middlesex, a description of the land so taken as certain as is required in a common conveyance of lands, together with a statement that the same is taken pursuant to the provisions of this act, which said description and statement shall be signed by the mayor, and the title to lands so taken shall vest in the city of Cam-

bridge; and if any party whose land is so taken shall agree with the said city upon the damage done to him by the said taking, making due allowance for the improvement by raising the grade of said land, the same shall be paid to him by the said city forthwith. If any party shall not agree with the city as to the damage done him by such taking, he may within six months from the filing of such description and statement, apply to the county commissioners as above provided, for a jury to determine the damage so done him, making due allowance for the improvement by raising the grade of said land, and the proceedings shall be according to the provisions of said chapter forty-three of the General Statutes, in cases where persons are aggrieved by the assessment of damages by selectmen. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the sum before offered by the city, all charges shall be paid by the city; otherwise the charges arising on such application shall be paid by the applicant.

If parties do not agree, owner may apply to commissioners for jury.

Costs.

SECTION 6. Nothing in this act shall be construed as exempting the city of Cambridge from any obligation it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this act, for any injury done by order of the mayor and aldermen of said city to such lands in any acts of raising, filling or draining said territory or any part thereof.

City not exempted from damages to land without territory described in this act.

SECTION 7. All grading done under this act shall be done within five years from the passage hereof.

Grading to be done within five years.

SECTION 8. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO SUBSCRIBE FOR AND HOLD STOCK IN THE EXETER AND SALISBURY RAILWAY COMPANY.

Chap. 392

Be it enacted, &c., as follows:

SECTION 1. The city of Newburyport is hereby authorized to subscribe for, and hold shares in the capital stock of the Exeter and Salisbury Railway Company, to an amount not exceeding one per centum of its valuation, for the year eighteen hundred and sixty-nine, and to pay for the same out of the treasury of said city, and said city is hereby authorized to raise by loan upon bonds, or tax or otherwise, any and all sums that may be necessary to pay therefor, and may hold and dispose of the same like other city property: *provided*, that the legal voters of said city, who may be present and voting thereon, shall vote to accept this act, at a

Newburyport may take stock in Exeter and Salisbury Railway Company.

May raise money by loan or tax.

Proviso.

legal meeting called for the purpose by the mayor and aldermen thereof.

Mayor and aldermen to represent city at meetings of company.

SECTION 2. The mayor and aldermen of the city of Newburyport shall have authority to represent said city at all the meetings of said railroad company, and to vote on the whole amount of the stock held by the said city, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

Approved June 12, 1869.

Chap. 393

AN ACT TO INCORPORATE THE READING SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Ephraim Hunt, Nathan P. Pratt, William Proctor, their associates and successors, are hereby made a corporation by the name of the Reading Savings Bank, to be located in the town of Reading; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

Chap. 394

AN ACT CONCERNING THE TRADERS BANK IN BOSTON.

Be it enacted, &c., as follows :

Charter revived for a specific purpose.

SECTION 1. The existence of the corporation, heretofore known as the President, Directors and Company of the Traders Bank, and located in Boston, is hereby revived and continued for the purpose of enabling the president and directors of said Traders Bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer any real estate or interests therein of the said Traders Bank, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

Chap. 395

AN ACT CONFIRMING THE TITLE OF JAMES A. DODGE IN CERTAIN REAL ESTATE.

Be it enacted, &c., as follows :

Conveyance of real estate made by Ellen Dodge and others to James A. Dodge, confirmed.

SECTION 1. The conveyance of real estate made by Allen Dodge, Francis Dodge and Robert F. Dodge, trustees under the will of Francis Dodge, late of Georgetown, in the District of Columbia, deceased, to James A. Dodge, by their deed recorded in the registry of deeds, for the county of Essex, book seven hundred and nine, page one hundred and

seven, is hereby confirmed and made valid and effectual pass a clear title to the real estate described in said deed, fee simple, to said James A. Dodge and his heirs and assigns forever.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT CONCERNING THE PUNCHARD FREE SCHOOL IN ANDOVER.

As it enacted, &c., as follows:

SECTION 1. The town of Andover is hereby authorized to use by taxation and to appropriate a sum not exceeding twenty-five thousand dollars to aid the trustees of the Punchard Free School in erecting and furnishing a suitable edifice to be used and occupied in place of a high school for said town; also to raise and appropriate annually a sum not exceeding two thousand dollars, in any one year, to aid in defraying the annual expenses of said Punchard Free School.

SECTION 2. Said town shall hereafter have and exercise perpetual right to choose a majority of the board of trustees of said school, and said school shall be under the order and superintendence of said trustees, and they shall perform all the duties and exercise all the powers in relation to said Punchard Free School, now performed and exercised by the general school committee in relation to the public schools of said town.

SECTION 3. Said Punchard Free School shall at all reasonable times be open to the inspection and examination of the general school committee of said town, that they may ascertain its condition and management, and they shall include a report thereof in their annual report to the town. They shall also have the right to recommend for admission to said school such pupils of the public schools as they may deem qualified therefor.

SECTION 4. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO INCORPORATE THE BOSTON AND LYNN UNION RAILWAY COMPANY.

As it enacted, &c., as follows:

SECTION 1. Andrew McKinney, Lucius A. Bigelow, and A. K. P. Joy, their associates and successors, are hereby made a corporation by the name of the Boston and Lynn Union Railway Company, with authority to construct, maintain and use, by themselves or others, a street railway with single or double tracks, switches and turnouts, from some point at or near the Square, so called, in Peabody, and thence upon and over Foster Street, Washington Street, and Lynn Street, in

Chap. 396

Andover may appropriate money in aid of Punchard Free School.

—may choose majority of trustees of school.

School to be open to examination of school committee of Andover.

Chap. 397

Corporators.

Name and purpose.

Road from Peabody to Lynn.

Powers and duties. Peabody, to the city of Lynn, and upon and over such streets and to such points in the city of Lynn as the board of aldermen thereof and the Lynn and Boston Railway Company, or their lessees, shall concurrently designate and approve; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or may hereafter be in force relating to street railway corporations.

To transport Salem Railway passengers at lowest fare for others carried same distance.

Receipts to be divided.

SECTION 2. Said corporation shall transport passengers of the Salem Street Railway Company in any of its cars at the lowest fare charged or taken by it for any other of its passengers transported the same distance, and if said Salem Street Railway Company shall at any time so elect, this corporation shall transport the passengers of said Salem Street Railway Company over its road between Peabody and Lynn upon one through ticket between Salem and Lynn; and in such case all receipts from sales of such tickets shall be equally divided between the said corporations by mutual accounts rendered as often as either of said corporations may require; but said Salem Street Railway Company shall have no right to run over the tracks mentioned in sections one and three of this act, unless the corporations interested so agree.

May maintain railway from Salem Turnpike through Eastern Avenue to East Boston.

SECTION 3. The corporation hereby created is further authorized to construct, maintain and use a railway from the junction of the Salem and Boston Turnpike and Eastern Avenue, near the line of North Chelsea, and thence over and through said avenue, in Chelsea, thence over East Boston Old Bridge, and Bremen Street, and such other streets in East Boston as the board of aldermen of the city of Boston may designate; and this corporation shall, for the purpose of building said road be vested with all the rights, powers and privileges, relating to construction and equipment thereof, mentioned in chapter two hundred and two of the acts of the year eighteen hundred and fifty-nine.

Capital stock.

Shall not use tracks of other railways, unless parties agree.

SECTION 4. The capital stock of said corporation shall not exceed eight hundred thousand dollars, and said corporation may transport persons and property, and may contract with any railway company to connect with, run over and use its tracks, upon such terms as may be agreed upon, but shall not connect with, use or run over the tracks or location of any other railway company, unless both companies interested so agree.

May sell or lease franchise or purchase of other companies.

SECTION 5. Said corporation is authorized and empowered to sell, lease or transfer its franchise, and all its property, rights and privileges, or any part thereof, to any other

the corporation, on such terms as may be mutually agreed upon, and make and execute all papers and instruments necessary for that purpose, and the corporation purchasing or leasing the same shall have all the rights and be subject to all the requirements, restrictions and liabilities herein contained, and said Boston and Lynn Union Railway Company may in the same manner purchase or lease the right and property of any other street railway company with which it may connect.

SECTION 6. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO INCORPORATE THE NEWBURYPORT CITY RAILROAD COMPANY.

Chap. 398

As it enacted, &c., as follows :

SECTION 1. Isaac H. Boardman, Eben Sumner and Amos V. Mooney, their associates and successors, are hereby made a corporation by the name of the Newburyport City Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such companies.

Corporators.

Name.

Powers and duties.

SECTION 2. Said company may locate, construct, maintain and operate a railroad, with one or more tracks, from some convenient point upon the Newburyport Railroad or the Eastern Railroad within the limits of Newbury or Newburyport, to some convenient point, within the limits of Newburyport, upon the shore of Merrimac River, at tide-water.

From Newburyport or Eastern Railroads to shore of Merrimac River in Newburyport.

SECTION 3. Said company may enter with its road upon the Newburyport Railroad or the Eastern Railroad and use the same according to law.

May enter upon Newburyport or Eastern Railroads.

SECTION 4. Said company is hereby authorized to sell and transfer its franchise, and all its rights and property under this act, or to lease or mortgage its road and franchise or other property, to the Eastern Railroad Company, or to the Boston and Maine Railroad Company, or to contract with any railroad company for the use of its rolling stock.

May sell, lease or mortgage franchise.

May contract with other road for use of rolling stock.

SECTION 5. The capital stock of said company shall not exceed one thousand shares of one hundred dollars each, the number of which shall be determined, from time to time, by a majority of the stockholders, each share counting one vote.

Capital stock and shares.

SECTION 6. The Eastern Railroad Company or the Boston and Maine Railroad Company may subscribe and hold stock in said company, not exceeding fifty thousand dollars: *provided*, that a majority of the stockholders of either of said

Eastern and Boston and Maine roads may take stock not exceeding \$50,000.

roads present and voting at a legal meeting called for that purpose shall vote so to do.

Newburyport may take stock in or grant credit in aid of company.

Proviso.

SECTION 7. The city of Newburyport is hereby authorized to subscribe for and hold shares in the capital stock of said company, or to grant its credit in aid of the same to an amount not exceeding one per centum of its valuation for the year eighteen hundred and sixty-nine: *provided*, that a majority of the legal voters of said city, present and voting by ballot, at a legal meeting called for the purpose by the mayor and aldermen of said city, shall vote to accept this act. Said city may pay for such shares from its treasury, and is hereby authorized to raise by loan or tax any and all sums of money which may be necessary to pay for the same, and may hold or dispose of the same like other city property.

Location of tracks, rate of speed, &c., to be under direction of mayor and aldermen.

SECTION 8. The location of the tracks through the streets of Newburyport, and the mode of their construction and maintenance, shall be determined by the mayor and aldermen, who shall have power to make such regulations as to the rate of speed and mode of use through the streets of the city as the public convenience may require. And the said company or its assigns shall have power, with the consent of the mayor and aldermen, to alter the grade of any streets in which their tracks may be located, and the expense thereof shall be paid by them unless the mayor and aldermen shall otherwise determine.

Penalties for wilful obstruction of road.

SECTION 9. If any person shall wilfully and maliciously obstruct said company or its lessees or assigns in the use of said tracks, such person and all who shall be aiding or abetting therein shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail not exceeding three months.

Penalty on company for obstructing streets, &c.

SECTION 10. If said company, its lessees or assigns, or their agents or servants, while in the use of said tracks, shall wilfully and maliciously obstruct any street, or the passing of any carriage over the same, it shall be punished by a fine not exceeding five hundred dollars.

Mayor and aldermen not prevented from discontinuing or laying out streets.

SECTION 11. Nothing in this act shall be construed to prevent the mayor and aldermen of the city of Newburyport from exercising any power which by law they now have of discontinuing any street in which the said tracks may be laid, or to lay out any street crossing said track.

May connect with Newburyport and Amesbury Horse Railroad Company.

SECTION 12. Said company may connect the tracks hereby authorized to be constructed with the tracks of the Newburyport and Amesbury Horse Railroad Company, with the consent of the last named company; and the said horse railroad company may connect its tracks with, and use, for any

purpose for which it may lawfully use its own tracks, the tracks hereby authorized to be constructed, with the consent of the Newburyport City Railroad Company; such use and connection, in either case, to be upon terms mutually agreed upon by said companies, and subject to the consent first obtained of the mayor and aldermen of said city.

SECTION 13. This act shall take effect upon its passage, and shall be void unless said road is located within two years, and constructed within four years, from the passage hereof.

To be located in two years and constructed in four years.

Approved June 12, 1869.

AN ACT TO CONFIRM CONVEYANCES MADE BY CERTAIN TRUSTEES.
Be it enacted, &c., as follows:

Chap. 399

SECTION 1. The several deeds purporting to be conveyances of lands made by the trustees under an indenture entered into between George B. Loring, Mary T. Pickman and Samuel B. Walcott, which is recorded in the registry of deeds for the county of Essex, in book five hundred and seventeen, leaf one hundred and eighty-one, and by the trustees under the will of William Pickman, late of Salem, deceased, which was approved and allowed by the judge of probate for the county of Essex, at a court of probate held on the thirtieth day of June, in the year one thousand eight hundred and fifty-seven, and by the trustees under the will of Mary Osgood, late of North Andover, which was approved and allowed by the judge of probate for said county at a court holden on the twenty-first day of October, in the year one thousand eight hundred and fifty-six, shall be as valid to pass an estate in fee simple in and to the lands therein described as said deeds would have been if power had been conferred on the trustees in the wills and indenture aforesaid.

Conveyance by trustees under will of William Pickman, confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO INCORPORATE THE FALL RIVER ORPHAN ASYLUM.
Be it enacted, &c., as follows:

Chap. 400

SECTION 1. Horatio N. Gunn, Louis Lapham and Samuel M. Brown, their associates and successors, are hereby made a corporation by the name of the Fall River Orphan Asylum, for the purpose of providing for the care and support of abandoned and orphan children; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the General Statutes relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

May hold real and personal property not exceeding \$50,000.

SECTION 2. The said corporation may receive by purchase, grant, devise, bequest or otherwise, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same according to their discretion: *provided*, that the whole amount of the real and personal property held and possessed by the said corporation shall not exceed in value at any one time the sum of fifty thousand dollars.

Subject to inspection of board of state charities.

SECTION 3. The board of state charities shall have power at all times to visit and inspect any institution established by this corporation.

SECTION 4. This act shall take effect upon its passage.

Approved June 12, 1869.

Chap. 401 AN ACT TO AUTHORIZE A CHANGE OF THE LOCATION OF THE RAILROAD OF THE WEST AMESBURY BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

May change location of road.

SECTION 1. The West Amesbury Branch Railroad Company is hereby authorized to change the location of its road, so as to commence at some convenient point in that part of the town of Amesbury known as West Amesbury, and run thence through said town to the easterly part of the town of Haverhill; thence through said easterly part of Haverhill to Merrimack River, at or near Rock's Bridge, so called; thence crossing over said river, by a new bridge, or by building suitable structures upon the present travelled bridge known as Rock's Bridge, upon such terms and in such manner as may be agreed upon between said company, the county commissioners of the county of Essex, and the towns of Haverhill, West Newbury and Amesbury; thence continuing said location from said river, through the towns of West Newbury and Groveland, to the railroad in said Groveland in the possession and use of the Boston and Maine Railroad Company, known as the Newburyport Railroad, with the right to enter upon and unite the same with and use said Newburyport Railroad, under the provisions of law relating to connecting roads.

May unite with Newburyport Railroad.

Groveland and West Newbury may take stock in road.

SECTION 2. The towns of Groveland and West Newbury are hereby authorized, when so voting at legal town meetings duly called for that purpose, to subscribe for and hold stock in the capital stock of the West Amesbury Branch Railroad Company, to an amount not exceeding five per centum of the assessed valuation of said towns respectively.

—may raise money by loan or tax to pay for stock.

SECTION 3. Said towns are hereby authorized to raise by loan or tax any sums of money which shall be required to pay their respective subscriptions to said stock and interest thereon.

SECTION 4. The selectmen of said towns shall have authority to represent their respective towns at any meeting of the West Amesbury Branch Railroad Company, and said towns so represented are hereby authorized to vote on the whole amount of stock held by said towns, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen to represent towns at meetings of corporation.

SECTION 5. Said West Amesbury Branch Railroad Company is hereby authorized to lease its road to any other railroad corporation, subject to the provisions of law.

May lease road, &c.

SECTION 6. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO AUTHORIZE THE NEW HAVEN AND NORTHAMPTON COMPANY TO REBUILD ITS STATION-HOUSE IN SOUTHAMPTON.

Chap. 402

Be it enacted, &c., as follows:

SECTION 1. The New Haven and Northampton Company is hereby authorized to rebuild its station-house in the town of Southampton, upon the location of the one recently destroyed by fire, or upon such other location as the directors of said company may select, subject to the approval of the county commissioners of Hampshire county.

May rebuild station-house in Southampton.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO AUTHORIZE THE TOWN OF CANTON TO SUBSCRIBE FOR AND HOLD SHARES IN THE CAPITAL STOCK OF THE CANTON AND HYDE PARK RAILROAD COMPANY.

Chap. 403

Be it enacted, &c., as follows:

SECTION 1. The town of Canton is hereby authorized when so voting at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the Canton and Hyde Park Railroad Company, to an amount not exceeding five per centum of the assessed valuation of the said town; and said town may pay for such shares so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Canton may take stock in Canton and Hyde Park Railroad Company.

—may raise money by tax or loan to pay for stock.

SECTION 2. The said town of Canton may appoint a committee who shall subscribe in behalf of the town, for such number of shares in the capital stock of said company as shall be voted by said town; and said committee is hereby authorized to cast the vote of said town in the choice of directors of said road, at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of

Committee to subscribe for shares and cast vote of town at stockholders' meeting.

the said town in the choice of directors of said road shall be cast by the person or persons whom said town may appoint.

SECTION 3. This act shall take effect upon its passage.

Approved June 12, 1869.

Chap. 404 AN ACT TO AUTHORIZE THE ATHOL AND ENFIELD RAILROAD COMPANY TO ISSUE BONDS, AND TO MORTGAGE ITS ROAD.

Be it enacted, &c., as follows :

May issue bonds not exceeding \$300,000, and secure by mortgage.

SECTION 1. The Athol and Enfield Railroad Company is hereby authorized to issue bonds not exceeding three hundred thousand dollars in amount, payable at such times as may be fixed therein, not exceeding twenty years from their respective dates, with interest not exceeding the rate of seven per centum per annum payable semi-annually, and to secure the same by a mortgage of its railroad equipments and franchise or of any of its property real or personal.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

Chap. 405 AN ACT TO AUTHORIZE THE TOWN OF NORTHAMPTON TO RAISE MONEY IN AID OF THE NORTHAMPTON DIKE COMPANY.

Be it enacted, &c., as follows :

May raise money by taxation for repairing works of Northampton Dike Company.

SECTION 1. The town of Northampton, being authorized by a majority of the legal voters present and voting at a town meeting duly called and held for the purpose, may raise by taxation or otherwise, such sums of money, in all not exceeding five thousand dollars, as said town may decide, and may contribute the same towards reconstructing or repairing the works of the Northampton Dike Company, and for more effectually securing and preserving the property, streets and highways in said town, which said works are designed to protect.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

Chap. 406 AN ACT CONCERNING THE LEASE OF THE NORWICH AND WORCESTER RAILROAD TO THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Lease confirmed.

SECTION 1. The lease of the railroad and other property of the Norwich and Worcester Railroad Company to the Boston, Hartford and Erie Railroad Company, of date of February ninth, of the year one thousand eight hundred and sixty-nine, is hereby ratified and confirmed.

Boston, Hartford and Erie to fulfil all contracts under the lease.

SECTION 2. The Boston, Hartford and Erie Railroad Company shall carry out and fulfil with all persons and corporations, all contracts, which, by the terms of said lease, it has agreed with the said Norwich and Worcester Railroad

Company to assume, keep and perform; and all such persons and corporations shall have, under said contracts, the same rights and remedies against the said Boston, Hartford and Erie Railroad Company, as they have or would have against the Norwich and Worcester Railroad Company, for any breach of said contracts, or to enforce the fulfilment thereof.

SECTION 3. The Boston, Hartford and Erie Railroad Company, on every part of the line of the Norwich and Worcester Railroad, shall furnish accommodations and facilities for local travel and business, not less than are now furnished by said Norwich and Worcester Railroad Company: *provided*, that such business and travel continue equal in amount to what the same now are.

—to furnish accommodations for local travel, &c.

Proviso.

SECTION 4. Nothing contained in this act shall be construed to release or in any manner relieve the Norwich and Worcester Railroad Company from any existing liability to the Commonwealth, or affect the right of the Commonwealth to purchase the railroad, franchise and property of the Norwich and Worcester Railroad Company, upon the terms provided in its charter, or to amend or repeal its charter; and nothing in this act contained shall be construed to release the party of the first part from any liability to the public, in case of accident whereby injury shall be sustained by those travelling upon said road, while said party of the second part to said lease shall be operating said railroad.

Rights and liabilities of Norwich and Worcester Railroad not affected.

SECTION 5. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO REVIVE CHAPTER ONE HUNDRED TWENTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX TO CHANGE THE LOCATION OF THE PITTSFIELD AND NORTH ADAMS RAILROAD.

Chap. 407

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and twenty-eight of the acts of the year eighteen hundred and sixty-six, entitled an act to change the location of the Pittsfield and North Adams Railroad is hereby revived and confirmed; and the time for locating and constructing said railroad is hereby extended three years from the passage of this act.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT TO ESTABLISH A BOARD OF RAILROAD COMMISSIONERS.

Chap. 408

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall, before the first day of July next, appoint three competent persons, who shall constitute a board of

Three railroad commissioners to be appointed.

—for one, two
and three years.

railroad commissioners, and who shall hold their offices from the dates of their respective appointments, for the term of one, two and three years, respectively, from the first day of July next. The governor shall, in like manner, before the first day of July in each year, appoint a commissioner, to continue in office for the term of three years from said day, and in case of any vacancy occurring in the board by resignation or otherwise, shall in the same manner appoint a commissioner for the residue of the term, and may in the same manner remove any commissioner.

—to have gen-
eral supervision
of all railroads.

SECTION 2. Said commissioners shall have the general supervision of all railroads in the Commonwealth, whether operated by steam, horse, or other motive power, and shall examine the same, and keep themselves informed as to their condition and the manner in which they are operated, with reference to the security and accommodation of the public, and the compliance of the several railroad corporations with the provisions of their charters and the laws of the Commonwealth.

—to notify rail-
roads failing to
comply with
terms of char-
ters, &c.

SECTION 3. Whenever, in the judgment of the railroad commissioners, it shall appear that any railroad corporation fails, in any respect or particular, to comply with the terms of its charter or the laws of the Commonwealth; or whenever in their judgment any repairs are necessary upon its road, or any addition to its rolling stock, or any addition to or change of its stations or station-houses, or any change in its rates of fares for transporting freight or passengers, or any change in the mode of operating its road and conducting its business, is reasonable and expedient in order to promote the security, convenience and accommodation of the public, said railroad commissioners shall inform such railroad corporation of the improvements and changes, which they adjudge to be proper, by a notice thereof in writing, to be served by leaving a copy thereof, certified by the commissioners' clerk, with the clerk, treasurer or any director of said corporation; and a report of the proceedings shall be included in the annual report of the commissioners to the legislature.

Notice, how to
be served.

Commissioners
to make exam-
ination of rail-
road upon com-
plaint of town
or city authori-
ties.

SECTION 4. It shall be the duty of said commissioners upon the complaint and application of the mayor and aldermen of any city, or the selectmen of any town, to make an examination of the condition and operation of any railroad, any part of whose location lies within the limit of such city or town; and if twenty or more legal voters in any city or town shall, by petition in writing, request the mayor and aldermen of such city, or the selectmen of such town, to

If twenty legal
voters request
examination,
and city or town

make the said complaint and application, and the mayor and aldermen, or the selectmen, refuse or decline to comply with the prayer of the petition, they shall state the reason for such non-compliance in writing upon the petition, and return the same to the petitioners; and the petitioners may thereupon, within ten days from the date of such refusal and return, present said petition to said commissioners; and said commissioners shall, if upon due inquiry and hearing of the petitioners they think the public good demands the examination, proceed to make it in the same manner as if called upon by the mayor and aldermen of any city, or the selectmen of any town. Before proceeding to make such examination in accordance with such application or petition, said commissioners shall give to the petitioners and the corporation reasonable notice in writing of the time and place of entering upon the same. If upon such examination it shall appear to said commissioners that the complaint alleged by the applicants or petitioners is well founded, they shall so adjudge, and shall inform the corporation operating such railroad of their adjudication, in the same manner as is provided in the third section of this act.

authorities refuse to complain, commissioners, after hearing had, may proceed to examine.

SECTION 5. The powers and duties conferred and imposed upon commissioners appointed by the supreme judicial court, by sections one hundred and seventeen and one hundred and eighteen of chapter sixty-three of the General Statutes, and also upon commissioners appointed under section six of chapter two hundred and eighty-four, and section six of chapter three hundred and twenty-one, severally, of the acts of the year eighteen hundred and sixty-seven, and section six of chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-eight, are hereby vested in the commissioners created by this act.

Powers heretofore conferred upon commissioners, to be vested in this board.

SECTION 6. The several railroad corporations operating railroads within the Commonwealth, shall at all times, on demand, furnish said commissioners any information required by them concerning the condition, management and operation of the railroads under their direction and control, respectively, and particularly with copies of all leases, contracts and agreements for transportation, with express companies or otherwise, to which they are parties, and also with the rates for transporting freight and passengers upon their railroads, and upon the railroads with which their railroads respectively have connection in business.

Railroads to furnish all information required by commissioners, relative to their management, &c.

SECTION 7. Said commissioners shall be provided with an office in the state house, or in some other suitable place in the city of Boston, in which their records shall be kept. In

Commissioners to have office in Boston.

—to be carried over railroads free of charge.

—to have clerk, at salary of two thousand dollars a year.

Incidental expenses.

Commissioners' salary.

—expenses of, including salaries, to be borne by railroads.

Provisions to apply to roads operated by trustees.

Commissioners to make annual report to the legislature.

the discharge of the duties of their office, they shall be transported over the several railroads in the Commonwealth, free of charge; they may employ and take with them experts, or other agents, whose services they may deem to be temporarily of importance; they shall have a clerk, to be appointed by the governor, who shall receive a salary of two thousand dollars per annum, payable quarterly out of the treasury of the Commonwealth, and whose duty it shall be to keep a full and faithful record of the proceedings of said board of commissioners, and to serve such notices as may be required of him by the commissioners; and they may draw upon the treasurer of the Commonwealth for a sum not exceeding five hundred dollars annually, to be expended by them in procuring necessary books, maps, statistics, and stationery, and in defraying expenses incidental and necessary to the discharge of the duties of their office. A statement of such expenditures shall accompany their annual report.

SECTION 8. The annual salary of said commissioners shall be four thousand dollars each, payable quarterly from the treasury of the Commonwealth.

SECTION 9. The annual expenses of said board of commissioners, including salaries, shall be borne by the several corporations owning or operating the railroads in this Commonwealth in proportion to the income and profits of said corporations, for the year next preceding that in which the assessment hereinafter mentioned is made. And the tax commissioner shall, on or before the first day of July in each year, assess upon said corporations their just proportion of such expenses, which shall be collected from said corporations in the same manner as is provided by law for the collection of taxes upon corporations.

SECTION 10. The provisions of this act shall be applicable to any railroad operated by trustees, upon whom notices may be served in such manner as the commissioners shall determine.

SECTION 11. Said commissioners shall, in the month of January in each year, make a report to the legislature of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual working of the system of railroad transportation in its bearing upon the business and prosperity of the Commonwealth, and such suggestions as to the general railroad policy of the Commonwealth, or as to any part thereof, or as to the condition, affairs or conduct of any of the railroad corporations of the Commonwealth, as may seem to them appropriate.

SECTION 12. Nothing in this act contained shall be construed to affect in any manner or degree the legal duties and obligations of any railroad corporation, or its legal liability for the consequences of its neglect or mismanagement, whether advised or not by said commissioners.

Duties and liabilities of railroads not to be affected.

SECTION 13. Said commissioners and clerk shall be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same; and no person in the employ of any railroad corporation, or owning stock in any railroad corporation, shall hold either of said offices.

Commissioners and clerk to be sworn.

—shall not be employed by a railroad or own stock therein.

SECTION 14. Upon the occurrence of any accident upon a railroad which shall result in personal injury or loss of life, the corporation operating the road upon which said accident shall occur, shall give immediate notice thereof to the commissioners, whose duty it shall be to investigate the same.

Railroads to notify commissioners when accident results in personal injury or loss of life.

Approved June 15, 1869.

AN ACT TO AUTHORIZE ANY MARRIED WOMAN TO BE AN EXECUTRIX, ADMINISTRATRIX, GUARDIAN OR TRUSTEE.

Chap. 409

Be it enacted, &c., as follows:

SECTION 1. Any married woman may be an executrix, administratrix, guardian or trustee, and bind herself and the estate she represents, without joining her husband in any conveyance or instrument whatever, and be bound, in the same manner, and with the same effect in all respects, as if she were sole and unmarried: *provided*, that no married woman, whose husband is of sound mind, shall be appointed an executrix, administratrix, guardian or trustee, unless her husband shall first file his written consent thereto in the probate court having jurisdiction of the subject-matter.

Married woman may be executrix, guardian, &c.

Proviso.

SECTION 2. The marriage of any woman shall not extinguish her authority as an executrix, administratrix, guardian or trustee, but she shall continue, notwithstanding such marriage, to hold such trust in all respects in the same manner, and with the same effect as if she had remained sole and unmarried: *provided, however*, that in case of such marriage, her bondsmen shall have the right, on petition to the probate court in which her bond is filed, to be released from any further liability on such bond, beyond accounting for and paying over the money and property already in her hands, by virtue of such trust; and in case her bondsmen petition and are released, as aforesaid, she shall be required to furnish a new bond to the satisfaction of the judge of said court, or be discharged from said trust.

Marriage of woman not to extinguish her authority as executrix, guardian, &c.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved June 17, 1869.

Chap. 410 AN ACT TO ESTABLISH CERTAIN RULES FOR THE CONSTRUCTION OF REPEALING STATUTES.

Be it enacted, &c., as follows :

Construction of statutes.

In the construction of all statutes hereafter enacted, the following rules shall be observed, unless such construction would be repugnant to the express terms of the same statute, that is to say :

Repeal not to revive statute in force before act repealed took effect.

First. The repeal of an act or resolve shall not revive any statute in force before the act or resolve repealed took effect.

Repeal not to affect punishment, &c., incurred before repeal takes effect.

Second. The repeal of an act shall not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, prosecution or proceeding pending at the time of the repeal for an offence committed or for the recovery of a penalty or forfeiture incurred, under the act repealed.

Approved June 17, 1869.

Chap. 411 AN ACT TO AUTHORIZE CITIES AND TOWNS TO TAKE LAND FOR CERTAIN PUBLIC USES.

Be it enacted, &c., as follows :

City or town may take land for building or enlarging town or city hall, &c.

SECTION 1. The city council of any city and the inhabitants of any town, at a town meeting duly held for that purpose, may select and take any parcel or parcels of land within the limits of such city or town, not appropriated to public uses, as a place for the erection of a city or town hall, for the use of such city or town, or for the enlargement of any existing city or town hall lot ; but no lot so taken or enlarged shall exceed in extent one acre. The city or town shall, within sixty days after such taking, file for record in the registry of deeds for the county or district in which the land is situated, a description of the land so taken, as certain as is required in a common conveyance of land, and a statement of the purpose for which such lands were taken, which description and statement shall be signed by the mayor of the city or by the selectmen of the town, or a major part thereof ; and the title of land so taken shall vest in such city or town from the time of the filing of said description and statement.

—to file description of land taken in registry of deeds.

Damages, how to be determined and paid.

SECTION 2. All damages sustained by any person by reason of the taking of any land for the purposes aforesaid, shall be paid by the city or town ; and if the mayor and aldermen or the selectmen shall fail to agree upon such damages with the owner of such land, the same may be assessed and determined by a jury in the manner provided by law in the case of the laying out of city or town ways, respectively ; and application for a jury may be made at any time within three years after said description and statement shall be re-

rded as above provided. If the damages so awarded shall exceed the amount which the city or town may have tendered him as compensation before the filing of his application for a jury, the owner shall recover his costs in the proceedings for such assessment; otherwise the city or town shall cover costs.

SECTION 3. Any parcel of land, taken under authority of this act, shall revert to the owner, or his heirs or assigns, unless a city or town hall shall be erected thereon, or unless the same shall be enclosed and devoted to the enlargement of an existing city or town hall lot, within three years after the recording of the description and statement above provided.

Costs.

Land to revert to owner unless enclosed, &c., within three years.

SECTION 4. This act shall take effect upon its passage.

Approved June 17, 1869.

AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO PAY TO JOSEPH P. CONANT, THE SUM OF THREE HUNDRED DOLLARS. *Chap. 412*

As it enacted, &c., as follows:

The town of Franklin is hereby authorized to pay to Joseph P. Conant the sum of three hundred dollars, pursuant to a vote passed by said town on the seventeenth of April, in the year eighteen hundred and sixty-nine.

May pay Joseph P. Conant three hundred dollars.

Approved June 17, 1869.

AN ACT TO CONFIRM THE DEED OF JEMIMA EASTON TO PRISCILLA FREEMAN. *Chap. 413*

As it enacted, &c., as follows:

SECTION 1. The deed of Jemima Easton to Priscilla Freeman, bearing date the fourth day of December, in the year eighteen hundred and sixty-three, recorded in the registry of deeds for the county of Dukes, book forty-one, at page two hundred and nine, shall have the same force and effect as if the husband of the said Jemima Easton had joined with her in said conveyance.

Confirmation of deed.

SECTION 2. This act shall take effect upon its passage.

Approved June 17, 1869.

AN ACT TO AUTHORIZE THE TOWN OF ATTLEBOROUGH TO TAKE STOCK IN THE NORTH ATTLEBOROUGH BRANCH RAILROAD COMPANY. *Chap. 414*

As it enacted, &c., as follows:

SECTION 1. The town of Attleborough is hereby authorized, when so voting at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the North Attleborough Branch Railroad Company, to an amount not exceeding five per centum of the assessed valuation of the said town; and said town may pay for such shares so voted to be taken, out of its treasury, and is hereby

May take stock in North Attleborough Branch Railroad.

May raise money by loan or tax to pay for same.

authorized to raise by loan upon bonds, tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Committee to subscribe for shares and cast vote of town at meeting of stockholders.

SECTION 2. The said town of Attleborough may appoint a committee, who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town; and said committee are hereby authorized to cast the vote of said town, in the choice of directors of said road, at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of said town, in the choice of directors of said road shall be cast by the person or persons whom said town may appoint.

SECTION 3. This act shall take effect upon its passage.

Approved June 17, 1869.

Chap. 415 AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows:

COMMISSIONER.

Commissioner, how appointed, &c.

SECTION 1. The governor, with the advice and consent of the council, shall, as soon after the passage of this act as may be, and thereafter annually in the month of January, appoint and commission a competent person as commissioner to purchase and sell spirituous and intoxicating liquors, of a pure quality, to the several city and town agents appointed under the provisions of this act, and to regularly appointed agents in cities and towns of other of the New England states, and to no other person. Such commissioner shall, unless sooner removed, hold his office for one year, and until his successor is appointed and qualified.

—to give bond.

SECTION 2. The commissioner, within ten days after being commissioned, shall file in the office of the treasurer of the Commonwealth a bond to the Commonwealth in the penal sum of twenty thousand dollars, with two or more good and sufficient sureties to be approved by the treasurer, for the faithful performance by him of the requisitions of this act.

—to keep place of business in Boston, sell to agents, &c.

SECTION 3. He shall establish and maintain in the city of Boston a suitable place of business, and shall purchase and sell to such agents, and to them only for the purposes in this act specified, spirituous and intoxicating liquors of a pure quality, and unadulterated with any mixture, or noxious or poisonous substance. All liquors kept for sale by him shall

Liquors to be analyzed.

alyzed by an assayer, appointed as hereinafter provided ; he shall sell no spirituous or intoxicating liquors, except as said assayer in writing certifies to be pure ; and all yzations of liquor shall be made from samples taken by assayer from original packages purchased by the agent ; all liquors sold by said agent shall be certified by him to e been taken from packages so analyzed. His sales shall made for cash, and at a price not exceeding an advance ive per cent. upon the actual cost: *provided*, that all s made by the commissioner in less quantity than the inal package, shall be made at a price not exceeding an ance of seven and one-half per cent. upon the actual

Proviso.

SECTION 4. He shall keep a record, in which shall be nly and truly recorded all purchases and sales made by , the names of the persons of, and to whom, and the es at which, the same were made ; which record shall be at times open to the inspection of the mayor and aldermen l selectmen of the cities and towns, and to the prosecut-officers of the Commonwealth. All packages of liquors d by him shall have his seal affixed thereto before delivery, l all liquors so purchased or sold and sealed may be trans- ted from place to place.

—to keep record of all purchases, sales, &c., and seal all pack- ages.

SECTION 5. If he adulterates or causes to be adulterated d liquors, or sells to persons other than those to whom he uthorized by section first of this act, or at an advance ater than allowed by this act upon the cost as aforesaid, shall forfeit to the Commonwealth the amount of his bond d be imprisoned in the state prison not less than six onths nor more than five years. And if any person em- oyed by him violates any of the provisions of this section, ch person shall be liable to the same term of imprison- nt.

Penalty for adulterating or selling to persons not agents.

SECTION 6. If he, or any person in his employ or on his emises, sells any adulterated spirituous or intoxicating uor, they shall be liable to the penalties provided in sec- in thirty-three for being a common seller.

Penalty for selling adulterated liquors.

SECTION 7. He shall not contract any debt or obligation, or incur any liability, on the faith or in behalf of the Com- onwealth. He shall receive no commission on his sales, it instead thereof shall receive an annual salary of four ousand dollars, payable quarterly, on the first days of Jan- ury, April, July and October.

—not to contract debt on faith of the state.

Salary.

He shall also be entitled to receive, on the first day of Jan- ury of every year, a sum equal to seven per cent. upon the ount of capital actually required and furnished by him

Additional compensation.

to establish and maintain the said agency. Said capital at no time exceed the sum of forty thousand dollars.

—to import foreign liquors after six months.

After the expiration of six months from the passage of this act, all liquor of foreign production kept or sold by said commissioner, shall be imported by him or under his direction.

—to pay profits from sales into state treasury.

All profits accruing from the sale of liquors by said commissioner shall, after deducting such necessary office and incidental expenses as shall be approved by the governor and council, be paid into the treasury of the Commonwealth semi-annually, on the first days of January and July.

—to report annually.

SECTION 8. He shall annually, on or before the fifteenth day of October, report to the secretary of the Commonwealth the amount of his sales to city and town agents, in detail the cost thereof; expenses and profits thereon; designate also the cities and towns to which he has made no sale. The report shall be made up to the last day of the preceding month, shall be printed by the secretary, included in the public series of documents, and laid before the legislature.

—to appoint agents in Boston.

SECTION 9. He shall appoint in the city of Boston many agents, not exceeding five, as he thinks the interests of the citizens require, who shall have the same powers and be subject to the same obligations as agents appointed by the mayor and aldermen of cities, and who shall sell only pure liquors at the lowest cash prices. Their authority shall continue after the commissioner by whom they are appointed ceases to hold his office.

—successor of, purchase his stock.

SECTION 10. In case of the death, removal, or the expiration of the term of office, of the commissioner, his successor shall purchase his stock of spirituous or intoxicating liquors, analyzed and certified as aforesaid, to an amount not exceeding twenty-five per cent. of his last year's sales.

Value of stock, how determined.

SECTION 11. If the parties cannot agree upon the value of the liquors, it shall be determined by three persons, one appointed by the person purchasing, one by the person owning the liquors, and the third by the two so appointed; and their award shall be binding on the parties.

AUTHORITY TO MANUFACTURE AND SELL FOR EXPORTATION, &c.

Manufacturers of liquors, how authorized.

SECTION 12. The county commissioners of the several counties, and the mayor and aldermen of the city of Boston, on the first Monday of July annually, or as soon thereafter as practicable, may authorize such persons as apply to them in writing, to manufacture spirituous or intoxicating liquors at places within their respective jurisdictions, and to sell the

in quantities not less than thirty gallons, to be exported, to be used in the arts or for mechanical and chemical purposes in this Commonwealth, and such authority shall continue for the term of one year from the date thereof, unless sooner revoked for cause, or annulled as hereinafter provided.

SECTION 13. Every such person shall receive from the board by which he is so authorized, a certificate giving him authority to manufacture and sell spirituous and intoxicating liquors as aforesaid, at such place within the jurisdiction of the board as shall be designated with precision in the certificate; but it shall not be delivered to such person unless he has executed and given to said board a bond with two good and sufficient sureties in the sum of six thousand dollars, in substance as follows:—

—to receive certificate and give bond.

Now all men that we, _____ as principal, and _____ and _____, sureties, are holden and stand firmly bound to the inhabitants of the county of _____, (or city of Boston, as the case may be) in the sum of six thousand dollars, to be paid unto them, their heirs or assigns, to which payment we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this _____ day of _____, A. D. _____. The condition of this obligation is, that whereas the above bounden _____ has been duly authorized to manufacture spirituous and intoxicating liquors at _____, the town (or city) of _____, and county of _____, and to sell the same in quantities not less than thirty gallons, to be exported, to be used in the arts, or for mechanical and chemical purposes, or in any quantity to duly authorized agents of cities and towns, as by law provided, until the _____ day of _____, A. D. _____, unless such authority is sooner revoked or annulled: Now, if _____ shall, in all respects, conform to the provisions of law relating to the business which he is authorized as above to pursue, and shall violate no law of the Commonwealth touching the manufacture and sale of spirituous or intoxicating liquors, during the term for which he is authorized to manufacture such liquors as above mentioned, then this obligation to be void—otherwise remain in full force.

SECTION 14. If the principal in the bond commits a breach of any condition thereof, his certificate shall thereupon become void, and he shall not thereafter be authorized to manufacture or sell spirituous or intoxicating liquors. If on complaint made to the county commissioners, or the mayor and aldermen of Boston, and notice to the principal, and a hearing of the parties thereon, any breach of the bond appears to have been committed, they shall at the

Manufacturer, certificate of, to be void, and bond to be put in suit, &c.

expense of the county or city cause the bond to be put in suit, and shall make a record that his authority is revoked and void ; or they may put the bond in suit without complaint, notice, and hearing.

—to keep books open to inspection, in which sales shall be recorded.

SECTION 15. Every such manufacturer shall keep a book which shall at all times be open to the inspection of the board authorizing him to manufacture, in which he shall enter the date of every sale of spirituous liquors made by him, the name of the purchaser, his residence, and the quantity and kind of liquor sold, and if exported, the place to which exported and the name of the consignee, substantially in the following form :—

Date.	Name of Purchaser.	Residence of Purchaser.	Quantity and Kind of Liquor.	Where Exported.	Name of Consignee.	Purpose Use.
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Record to be kept, which shall be open to public inspection.

SECTION 16. The clerks of the commissioners and the city clerk of Boston shall keep a record of the names, residences, and certificates, in full, of all persons authorized by said boards respectively to manufacture and sell as provided in section twelve, and the names and residences of all agents furnished them by city and town clerks ; which record shall be open to public inspection at all reasonable times ; and they shall furnish a list of said names and residences to all persons authorized by their boards to manufacture and sell spirituous or intoxicating liquors, and to all agents whose names have been furnished them as aforesaid.

CITY AND TOWN AGENTS.

Agents for selling to be appointed annually.

SECTION 17. The selectmen of every town containing less than five thousand inhabitants, may, and the mayor and aldermen of every city, and the selectmen of every town containing more than five thousand inhabitants, shall, on the first Monday of July annually, or as soon thereafter as convenient, appoint for one year, unless sooner removed by the board appointing them, one or more suitable persons as agents of such place to purchase and sell, at some convenient places therein, spirituous or intoxicating liquors to be used in the arts, or for medicinal, chemical and mechanical purposes, and no other ; and if in any year they neglect for three months after said date to appoint at least one such agent, they shall forfeit one hundred dollars, to be recovered to his own use in an action of tort by any person who may sue for the same. Each agent shall receive such fixed sal-

Penalty on town for not appointing.

Salary.

try, not dependent in amount upon the sales, as the board appointing him shall determine, and in his sales shall conform to such rules and regulations as they may prescribe.

SECTION 18. Each agent shall receive from the board appointing him a certificate authorizing him, as the agent of such city or town, to purchase and sell at such places therein as shall be designated with precision in his certificate, intoxicating liquors to be used in the arts, or for medicinal, chemical and mechanical purposes only; but it shall not be delivered to him until he has executed and given to said board a bond, with two good and sufficient sureties in the sum of six hundred dollars, in substance as follows:—

Certificates and bonds.

Know all men that we, _____, as principal _____ and _____ and _____, as sureties, are holden, and stand firmly bound to the inhabitants of the town of _____, (or city, as the case may be,) in the sum of six hundred dollars, to be paid unto them, their successors or assigns, to which payment we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this _____ day of _____, A. D. _____. The condition of this obligation is such, that, whereas the above bounden _____ has been duly appointed an agent for the town (or city) of _____, to purchase intoxicating liquors and to sell the same within, for, and on account of said town, (or city,) to be used in the arts, or for medicinal, chemical and mechanical purposes, and no other, until the _____ day of _____, A. D. _____, unless sooner removed from said agency: Now, if the said _____ shall, in all respects, conform to the provisions of law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall from time to time be, established by the board making the appointment, then this obligation to be void—otherwise to remain in full force.

Form of bond.

The city and town clerks shall keep a record in full of all such appointments, which shall be open to public inspection at all reasonable times; and they shall, as soon as practicable after the appointments, furnish a list thereof to the county commissioners.

Record of appointments.

SECTION 19. Upon complaint made to the mayor and aldermen or selectmen, they shall notify the principal, and if upon a hearing of the parties it appears that a breach of the conditions of the bond has been committed, they shall revoke and make void his authority; and at the expense and for the use of their city or town, shall cause the bond to be put in suit; or they may put such bond in suit without such complaint, notice or hearing.

Bond may be put in suit and authority revoked.

Agent to keep books of sales open to inspection, and accounts of purchases, &c.

SECTION 20. Each agent shall keep an account of all purchases of liquors made by him, and shall specify the kinds and quantity purchased, the prices paid, the persons of whom purchased, and the dates of the purchases; and shall also keep a regular account of all the forfeited spirituous or intoxicating liquors delivered to him for sale by order of any justice or court. He shall keep a book and enter therein the date of every sale made by him, the person to whom sold, the kind, quantity, and price thereof, and the purpose for which it was sold, substantially in the following form:—

Date.	Name.	Residence.	Kind and quantity.	Purpose of use.	Price.
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which book shall at all times be open to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, and justices of the peace, in such city or town.

—to purchase only of commissioner.

—town liable for liquors ordered by agent.

Proviso.

SECTION 21. Each agent shall purchase of the commissioner appointed under section one, all spirituous or intoxicating liquor to be sold by him. If any town or city, or their agent, shall refuse or neglect to pay on delivery for the liquors ordered by them of the commissioner, such town or city shall be liable to the commissioner for the full value of the bill of purchase, with interest after thirty days: *provided, however*, that the mayor and aldermen of any city, or the selectmen of any town, may notify the commissioner, in writing, not to sell to any agent of such city or town, except for cash, and thereupon such city or town shall not be liable for any sales made to such agent, after such notice, unless the same are made on the order, by letter, of the mayor and aldermen of such city, or the selectmen of such town. Any agent purchasing such liquor of any other person, or selling such liquor purchased by him of any other person, shall be liable to the penalties provided in section thirty-three for being a common seller; and any town or city agent who adulterates or causes to be adulterated any of said liquors, or sells the same at a greater advance on their cost than fifteen per cent., shall be subject to a fine of not less than one hundred nor more than five hundred dollars, and be imprisoned in the house of correction not less than six months nor more than two years. If any person employed by any town or city agent violates any of the provisions of this section, he shall be liable to the same punishment.

SECTION 22. The supreme judicial court shall have jurisdiction in equity, on complaint of any party interested, to restrain and enjoin any agent who purchases or sells spirituous or intoxicating liquors in violation of any law of this Commonwealth; and such injunction may be issued by any justice of the court in term time or vacation.

—may be restrained by S. J. C. from purchasing contrary to law.

SECTION 23. Each agent shall annually, on or before the fifteenth day of October, make a return to the secretary of the Commonwealth of the amount and kind of liquors purchased by him, the date of each purchase, the prices paid, and the name of the party of whom purchased; and if he fails to make such return, he shall forfeit a sum not exceeding one hundred dollars. The returns shall be kept on file in the secretary's office, but need not be printed.

—to make returns annually.

SECTION 24. Whoever, purchasing spirituous or intoxicating liquor of any agent, intentionally makes a false statement regarding the use to which the liquor is intended to be applied, shall pay a fine of not less than five nor more than twenty dollars.

Penalty for making false statement to agent.

ASSAYER AND INSPECTOR OF LIQUORS.

SECTION 25. The governor, with the advice and consent of the council, shall annually appoint and commission a competent person as an inspector and assayer of liquors, and the said person shall not analyze liquors for other parties than the Commonwealth, cities and towns, during the term of his office. He shall, before receiving his commission, file in the office of the treasurer of the Commonwealth, a bond to the Commonwealth in the penal sum of ten thousand dollars, with two or more good and sufficient sureties, to be approved by the treasurer, for the faithful performance of the duties of his office. The said inspector shall receive an annual salary of three thousand dollars, payable quarterly, on the first days of January, April, July and October.

Inspector and assayer of liquors to be appointed annually.

—to give bond.

—salary of.

The duties of said inspector shall be to inspect and analyze all liquors of the commissioner, as provided in section three of this act, and also all liquors sent to him by the constable of the Commonwealth or any of his deputies, under the seal of the agent from whom the said liquors were obtained, as hereinafter provided, keeping a record of the result of his analysis, and reporting the result of such inspection and analysis to the officer from whom the said liquors were received.

—duties of.

SECTION 26. It shall be the duty of the constable of the Commonwealth, either personally or by deputy, to visit each

Constable of Commonwealth to visit agent

every three months and take samples of liquors for inspection.

town and city agent as often as once in every three months take samples of all liquors kept for sale by the said agent (allowing the said agent to seal the said samples with the seal of his agency,) and forward the same to the inspector and assayer of liquors, with a certificate setting forth the kinds of liquors sent, from whom they were obtained, and the date when obtained; and upon the receipt of the report of the inspection and analysis of said liquors, if it shall be found that any of the said samples of liquors were adulterated, to immediately proceed in a prosecution against the said offending agent, as provided in the preceding sections of this act. The having adulterated liquors by any of the said agents, shall be considered *prima facie* evidence of the intent to sell the same.

What liquors deemed adulterated.

All intoxicating liquors, other than cider, malt liquors and wines, containing less than thirty-five per cent. of absolute alcohol, shall be considered adulterated within the meaning of this act.

SALES, &C., SPECIALLY AUTHORIZED.

Foreign liquors imported under laws of U. S. may be sold in original packages.

SECTION 27. The importer of liquor of foreign production imported under authority of the laws of the United States, may own, possess, keep, or sell, the same, in the original casks or packages in which it was imported, and in quantities not less than the quantities in which the laws of the United States require such liquor to be imported, and sold by him, the same shall be as pure and unadulterated when imported.

Pure alcohol may be sold by druggists to physicians, &c., for medicinal purposes.

SECTION 28. Druggists may sell, for medicinal purposes only, pure alcohol to other druggists, apothecaries and physicians, known to be such: *provided*, that they shall keep a book in which they shall enter the date and quantity of every sale, the name and residence of the purchaser, and if exported, the place to which exported, and the name of the consignee; which book shall at all times be open to the inspection of the mayor and aldermen or selectmen. If a druggist or the clerk or agent of a druggist is convicted of an illegal sale, he shall pay a fine of one thousand dollars.

Chemists may keep liquors, &c.

SECTION 29. A chemist, artist or manufacturer, in whose art or trade they may be necessary, may keep at his place of business spirituous liquors for use in such art or trade, but not for sale; and any person may manufacture or sell, or keep for sale, unadulterated wine for sacramental purposes; and any person may manufacture cider, or may sell or keep for sale cider, where the same is not sold, or kept with intent to be sold, at a public bar or to be drank on the premises.

Sale of cider, wine, &c.

UNLAWFUL SALES, &C.—REMEDIES, PUNISHMENTS, &C.

SECTION 30. No person shall manufacture for sale, or sell by himself, his clerk, servant or agent, directly or indirectly, any spirituous or intoxicating liquor, or any mixed liquor part of which is spirituous or intoxicating, unless he is authorized as provided in this act. Ale, porter, strong beer, lager-bier, and all wines, shall be considered intoxicating liquors within the meaning of this act, as well as distilled spirits; but this enumeration shall not prevent any other pure or mixed liquors from being regarded as intoxicating.

No person to manufacture or sell intoxicating liquor without being authorized, &c.

SECTION 31. No person shall own, possess or keep, any spirituous or intoxicating liquor, with intent to sell the same in this Commonwealth, and no owner of such liquor shall permit or suffer any other person to keep the same for the purpose of selling it in this Commonwealth, unless authorized as provided in this act.

No person to own or keep liquors with intent to sell, &c.

SECTION 32. Whoever, by himself, his clerk, servant or agent, directly or indirectly, or on any pretence or by any device, sells, or in consideration of the purchase of any other property, gives, to another person spirituous or intoxicating liquor, or mixed liquor part of which is spirituous or intoxicating, in violation of the provisions of this act, shall, for one violation, pay ten dollars and be imprisoned in the house of correction not less than twenty nor more than thirty days; for a second violation, shall pay twenty dollars and be imprisoned in the house of correction not less than thirty nor more than sixty days; and for any subsequent violation, shall pay fifty dollars and be imprisoned in the house of correction not less than three nor more than six months; and if in any case the fine and costs are not paid, the imprisonment shall be extended thirty days. Whoever in the employment or on the premises of another violates any provisions of this section, shall be held equally guilty with the principal, and suffer the same punishment.

Penalties for unlawful sales.

SECTION 33. Whoever is a manufacturer of spirituous or intoxicating liquor for sale, or a common seller thereof, in violation of the provisions of this act, shall for one violation, pay fifty dollars and be imprisoned in the house of correction not less than three nor more than six months; for a second violation, shall pay the sum of two hundred dollars and be imprisoned six months in the house of correction; and for any subsequent violation, shall pay the sum of two hundred dollars and be imprisoned twelve months in the house of correction in the county where the offence was committed. Whoever in the employment or on the premises of another violates the provisions of

Penalty for being manufacturer or common seller.

this section, shall be held equally guilty with the principal and shall suffer the same punishment. Three several sales of spirituous or intoxicating liquors to one or more persons shall be sufficient evidence of a violation of this section, and this shall not prevent proof of the same by other evidence.

Several parties and offences may be included in same complaint, and several offences may be tried at same time, &c.

SECTION 34. The names of all the parties charged with any offence, under either of the two preceding sections, or one or more offences, may be included in the same complaint or indictment, and may be tried at the same time. Whoever is convicted of more than one offence on the same complaint or indictment, or on different indictments, at the same or any other terms of the court, shall be subject to the same punishments as if he had been successively convicted on many complaints or indictments at different terms of the court as there are offences of which he is convicted; but the whole aggregate term of imprisonment under any one complaint or indictment, or at any one term of the court, for violations of the provisions of either section, shall not exceed one year.

Aggregate of imprisonment at one term of court not to exceed one year.

Delivery to be *prima facie* evidence of sale.

SECTION 35. In all cases under this act, delivery of intoxicating liquor in or from any building or place, other than a private dwelling-house or its dependencies, or in a dwelling-house or dependencies, if part of the same is a tavern, public eating-house, grocery, or other place of common resort, shall be deemed *prima facie* evidence of a sale punishable as a sale; and a delivery in or from a private dwelling-house with payment or promise of payment either express or implied, on, before or after such delivery, shall be deemed *prima facie* evidence of and punishable as a sale.

Penalty for owning or keeping liquor with intent to sell.

SECTION 36. Whoever owns, possesses or keeps any spirituous or intoxicating liquor, with intent to sell the same contrary to the provisions of this act, shall be fined ten dollars and imprisoned twenty days in the house of correction and shall be imprisoned twenty days longer if said fine and costs are not paid. A complaint may be made and prosecuted under this section, whether any liquor has been seized or being owned or kept by the person complained against or not.

—for receiving liquor unlawfully sold, to be conveyed to another person.

SECTION 37. Whoever, for the purpose of conveying to another person, receives any spirituous or intoxicating liquor which has been sold or is intended for sale in violation of this act, having reasonable cause to believe that the same has been so sold, or is so intended for sale, shall, on conviction thereof, either in the place where the liquor is received or in any place through which it is carried, or in the place at which it is delivered to the purchaser or to any person for him, pay a fine of twenty dollars.

SECTION 38. Whoever, having authority from a railroad corporation to receive goods to be transported by such corporation, receives, for the purpose of having the same transported on such railroad, any spirituous or intoxicating liquor or intended for sale in violation of this act, having reasonable cause to believe that the same has been so sold or is intended for sale, shall be liable to the penalty prescribed in the preceding section; and the corporation shall also be liable to pay a fine of fifty dollars, to be recovered by indictment or complaint in any county in which such liquor has been received or into which it is carried.

—on railroad corporations, their servants, &c.

SECTION 39. Whoever brings into this Commonwealth, or carries from place to place within the same, any spirituous or intoxicating liquor, with intent to sell the same himself or to have it sold by another, or having reasonable cause to believe that the same is intended to be sold in violation of this act, shall be punished for the first and each subsequent offence in the manner provided in section thirty-two for any person illegally selling spirituous or intoxicating liquor.

—for bringing liquor into the state, with intent to sell, &c.

SECTION 40. The husband, wife, parent, child, guardian, employer, of any person who has or may hereafter have the habit of drinking spirituous or intoxicating liquor to excess, may give notice in writing signed by him or her to such person not to deliver spirituous or intoxicating liquor to any person having such habit. If the person so notified at any time within twelve months after such notice delivers any such liquor to the person having such habit, the person giving the notice may in an action of tort recover of the person so notified any sum not less than twenty-one nor more than five hundred dollars, as may be assessed by the jury as damages. A married woman may bring such action in her own name, notwithstanding her coverture, and all damages recovered by her shall go to her separate use. In case of the death of either party, the action and right of action given by this section shall survive to or against his executor or administrator.

—for selling to persons who drink to excess, after notice in writing has been given.

SECTION 41. If a person in a state of intoxication commits an assault and battery, or injures any property, whoever furnishes him with any part of the spirituous liquor which occasioned his intoxication, if the same was furnished in violation of this act, shall be liable to the same action by the party injured as the person intoxicated would be liable to; and the party injured, or his legal representatives, may bring either a joint action against the person intoxicated and the person who furnished the liquor, or a separate action against either.

Persons unlawfully furnishing liquor liable for damages done by intoxicated persons.

SECTION 42. If a person is found in a state of intoxication in a public place, or is found in any place in a state of intoxication committing a breach of the peace, or disturbing

Intoxicated persons may be arrested without warrant in certain cases.

others by noise, any sheriff, deputy sheriff, constable, watchman or police officer shall without a warrant take him in custody, and detain him in some proper place until, in the opinion of such officer, he is so far recovered from his intoxication as to render it proper to carry him before a court of justice. The officer shall then take him before some justice of the peace or police court in the city or town where he has been found, and shall make a complaint against him for the crime of drunkenness.

—to be discharged if they disclose name, &c., of whom they procured liquor.

SECTION 43. If such person then discloses fully the name of the person of whom, and the time, place and manner in which, the liquor producing his intoxication was procured, and all circumstances attending it, the justice or court shall administer to him the oath provided for witnesses, and interrogate him in the presence of the officer; and if it appears to the officer and magistrate that either of the offences specified in sections thirty-two or thirty-three has been committed, the officer shall file his complaint for the commission of such offence, before said justice or court, against the persons who appear to have been guilty thereof, and the person so disclosing shall be named as one of the witnesses. The officer shall thereupon discontinue his prosecution for drunkenness, and the person arrested shall be discharged, and shall not be liable to be prosecuted again for the same offence.

Search warrants may be issued upon complaint under oath of two persons of full age.

SECTION 44. If two persons, of full age and competent to testify, make complaint under oath or affirmation, before a justice of the peace or police court, that they have reason to believe, and do believe, that any spirituous or intoxicating liquor, described in the complaint, is kept or deposited by any person named in the complaint in a store, shop, warehouse, building, vehicle, steamboat, vessel, or place, and intended for sale contrary to the provisions of this act, such justice or court, upon its appearing that there is probable cause to believe said complaint to be true, shall issue a warrant of search to any sheriff, deputy-sheriff, city marshal, chief of police, deputy chief of police, deputy marshal, or constable, commanding him to search the premises in which it is alleged such liquor is deposited, and to seize such liquor, with the vessels in which it is contained, and securely keep the same until final action is had thereon, and return the warrant with his doings thereon as soon as may be to the same or some other justice or police court in the place where such liquor is alleged to be kept or deposited.

—not to issue to search dwelling-house, unless, &c.

SECTION 45. No warrant shall issue for the search of a dwelling-house, unless a tavern, store, grocery, eating-room, or place of common resort is kept therein; and no warrant

shall issue for the search of a dwelling-house unless one of the complainants makes oath or affirmation that he has reason to believe, and does believe, that such liquor has been sold therein or taken therefrom for the purpose of being sold by the occupant, or by his consent or permission contrary to law, within one month next before making such complaint, and is then kept therein for sale contrary to law by the person complained against. The complainant shall in his oath or affirmation state the facts and circumstances on which such belief is founded, and such allegations shall be recited in the complaint and warrant.

SECTION 46. In all cases the complaint shall particularly designate so as to identify the building, structure, and place, to be searched, the liquors to be seized, the person by whom they are owned, kept or possessed, and intended for sale, and shall allege the intent of such person to sell the same contrary to the provisions of this act. The warrant shall be supported by the oath or affirmation of the complainant, and shall allege that probable cause has been shown for the issuing thereof; and the place to be searched, the liquors to be seized, and the person believed to be the owner, possessor, or keeper of such liquors, intending to sell the same contrary to the provisions of this act, shall be set out therein by special designation and with the same particularity as in the complaint; and the offence both in the complaint and warrant shall be fully, plainly, and substantially described, and the complainants shall be summoned to appear as witnesses.

Place to be searched to be designated in complaint.

SECTION 47. The officer to whom the warrant is committed shall proceed to search the premises and seize the liquor described in the warrant, with the casks or other vessels in which it is contained, if they are found in or upon said premises, and shall convey the same to some place of security, where he shall keep the liquor and vessels until final action is had thereon.

Officer to search premises, seize liquors, &c.

SECTION 48. If in the opinion of the justice or court before which the warrant is returned, the value of the liquor seized, with the vessels containing it, does not exceed twenty dollars, a written notice under seal, and signed by the justice or the clerk of said court, shall be issued within twenty-four hours after such seizure, commanding the person complained against as the keeper of the liquor seized and all other persons claiming any interest therein, or in the casks or vessels containing the same, to appear before said justice or court, at a time and place therein named, to answer to said complaint, and show cause, if any they have, why such liquor, with the vessels containing it, should not be forfeited.

If liquor and vessels seized do not exceed \$20 in value, written notice to issue to keeper of liquor seized.

Notice, what to contain, how served, &c.

SECTION 49. The notice shall contain a description of the number and kind of vessels, the quantity and kind of liquor seized, as nearly as may be, and shall state when and where they were seized. It shall be served by any sheriff, deputy-sheriff, constable or police officer, upon the person charged with being the keeper thereof, by leaving an attested copy of the same with him personally or at his usual place of abode, if an inhabitant of this state, and by posting up an attested copy on the building in which the liquor was seized, if it was found in any building, otherwise in some public place in the city or town where the liquor was seized, and by publishing an attested copy at least twice in some newspaper printed in the county where the seizure is made, if there is any such paper. The posting up of the notice, and the serving the same on the party complained of as keeper, and the first publication in the newspaper, shall be not less than fourteen days before the time appointed for the trial.

New notice may issue in certain cases.

SECTION 50. If at the time appointed for trial said notice has not been duly served, or other sufficient cause appears, the trial may be postponed to some other day and place, and such further notice issued as shall supply any defect in the previous notice; and time and opportunity for trial and defence shall be given to persons interested.

Claimant of liquor may appear.
Trial, forfeiture, &c.

SECTION 51. At the time and place designated in the notice, the person complained against, or any person claiming an interest in the liquor and vessels seized, or any part thereof, may appear and make his claim verbally or in writing, and a record of his appearance and claim shall be made, and he shall be admitted as a party on the trial. Whether a claim as aforesaid is made or not, the justice or court shall proceed to try, hear and determine, the allegations of such complaint, and whether said liquor and vessels, or any part thereof, are forfeited. If it appears that the liquor or any part thereof was at the time of making the complaint owned or kept by the person alleged therein, for the purpose of being sold in violation of this act, the court or justice shall render judgment that such and so much of the liquor so seized as was so unlawfully kept, and the vessels in which it is contained, be forfeited to the Commonwealth.

Certain liquors forfeited to be delivered to agents for sale, and others to be destroyed.

SECTION 52. Any liquor so forfeited, which in the opinion of said justice or court is suitable for use for medicinal, chemical or mechanical purposes, shall, by the authority of the written order of the justice or court, be delivered to any agent appointed for the sale of spirituous liquors of the city or town in which the liquors were seized, to be sold by him and the net proceeds

paid over to the treasurer of the Commonwealth. If there is no such agent in said city or town, the same shall be delivered to any such agent in the state that the justice or court may order, to be by him sold, and the proceeds paid over in like manner, and the officer to whom such order is directed shall make return of his doings in the premises. Any such liquor which, in the opinion of the justice or court is not suitable for use as aforesaid, shall, by like order, be destroyed in the presence of the justice or court, or in the presence of some person appointed thereby to witness such destruction, and the witness shall join with the officer in attesting the fact upon the back of the order by authority of which it was done.

SECTION 53. If it is not proved on the trial that all or part of the liquor seized was kept or deposited for sale contrary to law, the justice or court shall issue a written order to the officer having the same in custody, to return so much thereof as was not proved to be so kept or deposited, with the vessels in which it is contained, to the place as nearly as may be from which it is taken, or to deliver the same to the person entitled to receive it; which order the officer, after executing the same, shall return to the justice or court with his doings indorsed thereon.

Liquors seized, if not unlawfully kept for sale, to be returned.

SECTION 54. If no person appears and is admitted as a party as aforesaid, or if judgment is rendered in favor of all the claimants who appear, the cost of the proceedings shall be paid as in other criminal cases. If only one party appearing fails to sustain his claim, he shall pay all the costs except the expense of seizing and keeping the liquor, and an execution shall be issued against him therefor. If judgment is rendered against two or more claimants, of distinct interests in the liquor, the costs shall, according to the discretion of the justice or court, be apportioned among such parties, and executions shall be issued against them severally. If such execution is not forthwith paid, the defendant therein named shall be committed to the jail, and shall not be discharged therefrom until he has paid the same and the costs of commitment, or until he has been imprisoned thirty days.

Costs in such cases, and executions thereon.

SECTION 55. The person claiming any such liquors, whose claim is not allowed as aforesaid, and the person complained against, shall have the same right of appeal and to the same court as if he had been convicted of a crime; but before his appeal is allowed he shall recognize to the Commonwealth in the sum of two hundred dollars, with good and sufficient security or securities, to prosecute his appeal at the court appealed to and to abide the sentence of the court thereon;

Persons claiming, &c., to have right of appeal.

—to recognize in sum of \$200.

and upon such appeal any question of fact shall be tried by a jury. On the judgment of the court after verdict, whether of forfeiture of the whole or any part of the liquor and vessels seized, or otherwise, similar proceedings shall be had as are directed in the four preceding sections.

Proceedings when value of liquor and vessels exceeds \$20.

SECTION 56. If in the opinion of the justice or court before which a warrant is returnable under which any liquor has been seized, the value of the liquor seized with the vessels containing it exceeds twenty dollars, a notice shall be issued and served as directed in sections forty-eight and forty-nine, except that the same shall be made returnable to the term of the superior court to be held in the county next after the expiration of fourteen days from the time of issuing the notice. The court before which the notice is made returnable shall have jurisdiction of the case, and may proceed therein in the manner directed in sections fifty, fifty-one, fifty-two, fifty-three and fifty-four, as nearly as may be, and with a jury, upon any issue of fact presented by the claimant or directed by the court.

Persons illegally selling may be arrested without warrant.

SECTION 57. Any mayor, alderman, selectman, deputy-sheriff, chief of police, deputy chief of police, city marshal, deputy or assistant-marshal, police officer, constable, or watchman, in his city or town, may without a warrant arrest any person whom he finds in the act of illegally selling, transporting, or distributing intoxicating liquors, and seize the liquors, vessels, and implements of sale, in the possession of said persons, and detain them in some place of safe keeping until warrants can be procured against said person and for the seizure of said liquor, vessels, and implements, under the provisions of this chapter. The several officers aforesaid shall enforce or cause to be enforced the penalties provided in this chapter, against every person guilty of any violation thereof of which they can obtain reasonable proof. If any sheriff, deputy-sheriff, chief of police, deputy-chief of police, constable, or police officer, after being furnished with a written notice of any violation of this act, and the names of the witnesses, for two weeks neglects to institute proceedings thereon, any person who thereafter makes complaint shall be entitled to all fines imposed and collected for said violation.

Officers to enforce penalties.

If officer neglects for two weeks to prosecute, person prosecuting entitled to all fines imposed.

Public officers to arrest persons illegally selling liquor at public gatherings.

SECTION 58. Every mayor, alderman, selectman, city marshal, deputy-marshal, sheriff, deputy-sheriff, police officer, and constable, who has information that any intoxicating liquors are kept or sold in any tent, shanty, hut, booth, stall, or similar place for selling refreshments, in any public place on or near the grounds of any cattle show, agricultural exhibition, military muster, or public gathering of any kind, shall

seize such liquor and the vessels in which it is contained, and arrest the keeper of such place, and take him as soon as may be before some justice of the peace or police court, with the liquor and vessels so found and seized, and make complaint for the arrest and trial of such person and for the seizure and confiscation of such liquors, according to the provisions of this act.

SECTION 59. Whoever is convicted of any offence under this act in addition to the punishment herein prescribed, shall be required by the court or magistrate before whom he is convicted, to recognize to the Commonwealth in a sum not less than one thousand nor more than two thousand dollars, that he will not, within one year from the time of the conviction, violate any provision of this act or any law of this Commonwealth relating to the manufacture and sale of intoxicating liquor, and shall stand committed until he enters into such recognizance.

Persons convicted to recognize that they will not sell within one year, &c.

SECTION 60. All cases under this act, whether by action, indictment, or complaint, which come before any court by original entry or appeal, shall take precedence in said court of all other business except those criminal cases in which the parties are actually imprisoned awaiting a trial; and the prosecuting officer shall not enter *nolle prosequi* or grant a continuance in any such case, before or after a verdict, except where the purposes of justice may require it, to be shown upon a written motion, filed in the case on behalf of the defendant, or a written statement filed by the prosecuting officer, stating the reason for a continuance; and he shall not enter a *nolle prosequi* except with the concurrence of the court. In cases under this act before a justice of the peace or police court, no admission of the defendant except a plea of guilty made in court shall be received on the trial without the consent of the prosecutor.

Cases under this act to take precedence in court.

Nol. pros. not to be entered, nor continuance granted, except upon written motion or statement.

No case in court for the violation of the provisions of this act, or of sections six, seven, eight or nine of the eighty-seventh chapter of the General Statutes, shall be laid on file or disposed of except by trial, judgment, acquittal or sentence, as the case may be, according to the regular course of proceedings in criminal cases, unless in any case the purposes of justice require other disposition thereof, to be shown upon a written motion setting forth specifically the reasons therefor, and verified by affidavit where facts are relied on; and in such case, the motion shall be allowed only upon the certificate of the presiding magistrate or judge, that he is satisfied that the cause relied on exists, and that the inter-

Cases to be disposed of according to the regular course of proceedings in criminal cases.

ests of public justice require the allowance thereof, which certificate shall be filed in the case.

It shall be the duty of the judges, by a frequent examination of the dockets of their several courts, to see that the provisions of this section are strictly complied with.

Exceptions.

Nothing in this section shall be construed to affect in any way the course of proceedings where exceptions are pending.

Recognizances to be in suit within sixty days.

SECTION 61. District attorneys shall commence suits upon all recognizances given under this act in their respective districts, within sixty days after default entered of record, or after they have satisfactory evidence of any act which should cause a forfeiture thereof; and no suit on any recognizance shall be continued, unless for good cause satisfactory to the court. But nothing herein contained shall prevent the commencement of such suit after the expiration of said sixty days.

Common nuisances.

SECTION 62. All intoxicating liquors kept for sale, and the implements and vessels actually used in selling and keeping the same, contrary to the provisions of this act, are declared to be common nuisances.

Payment for liquor illegally sold to be without consideration.

SECTION 63. All payments or compensations for spirituous or intoxicating liquors sold in violation of law, whether in money, labor or personal property, shall be held to have been received without consideration, and against law, equity and good conscience. No action of any kind shall be had or maintained in any court for the price of any liquor sold in any other state for the purpose of being brought into this Commonwealth to be here kept or sold in violation of law, under such circumstances that the vendor would have reasonable cause to believe that the purchaser entertained such illegal purpose; and all bills of exchange, promissory notes, and other securities for and evidences of debt whatsoever, given in whole or in part for the price of liquor sold in violation of this act, shall be void against all persons holding the same with notice of such illegal consideration, either direct or implied by law.

Officers executing warrants protected, &c.

SECTION 64. No action shall be had or maintained against any sheriff, deputy-sheriff, chief of police, deputy chief of police or constable, or their assistants, for executing any warrant or order issued under this act by any justice or court competent to try the same; nor shall an action be had or maintained against any officer for seizing, detaining, or destroying any intoxicating liquor, or the vessels containing it, unless such liquor and vessels was legally kept by the owner thereof. If a sheriff, chief of police or deputy chief of police, marshal, constable or other officer to whom any

Penalty for neglecting to serve warrants.

warrant, process or precept, provided for in this act, is directed, neglects or refuses to serve and execute the same, he shall be fined not less than three hundred dollars and not exceeding one thousand dollars, and it shall be a sufficient cause for removal or dismissal from office. For any loss or damage arising to him, without fault or negligence on his part, in consequence of obedience to any precept, process or warrant aforesaid, duly served, indemnity, if claimed, shall be claimed of the Commonwealth after the loss or damage sustained, and in no other manner. Indemnity,
how and when
claimed.

SECTION 65. Chapter eighty-six of the General Statutes, chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-one, chapter two hundred and twenty-three of the acts of the year eighteen hundred and sixty-five, and chapters one hundred and forty-one, three hundred and eleven, three hundred and eighteen, three hundred and forty-two, and three hundred and forty-four of the acts of the year eighteen hundred and sixty-eight, are hereby repealed: *provided*, that nothing herein contained shall affect any prosecution now pending, or any penalty or forfeiture already incurred. Repeal

Proviso.

FORMS OF PROCEEDINGS.

SECTION 66. The following forms may be used in prosecutions under this act, and if substantially followed, shall be deemed sufficient to fully and plainly, substantially and formally, describe the several offences in each of them set forth, and to authorize the lawful doings of the officers acting by virtue of the warrants issued in substantial conformity therewith; but this shall not be so construed as to prohibit the use of other suitable forms. Forms of pro-
ceedings.

Form for a Complaint for keeping Intoxicating liquor under section thirty-six.

COMMONWEALTH OF MASSACHUSETTS.

M—, ss.

To N. C., Esquire, one of the justices of the peace within and for the county of M—.

J. S. of L—, in the county of M—, in behalf of the Commonwealth of Massachusetts, on oath complains that D. E., of said L—, on the day of , in the year eighteen hundred and , at said L—, did keep intoxicating liquor with intent to sell the same in this Commonwealth, he, the said D. E., not being authorized to sell the same in said Commonwealth for any purpose under the provisions of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine of this Commonwealth or by any legal authority

Complaint for
keeping liquor
for sale.

whatever, against the peace and contrary to the form of the statute in such cases made and provided. Wherefore the said J. S. prays that a warrant may be issued for the arrest of said D. E., and that he be dealt with as to law and justice may appertain. J— S—.

Received and sworn to, the day of , in the year eighteen hundred and . Before N— C—, Justice of the Peace.

Form of warrant to arrest the party accused on the foregoing Complaint.

Warrant to
arrest.

COMMONWEALTH OF MASSACHUSETTS.

M—, ss.

[L. s.] To the sheriff of any county in the state, or either of his deputies, or either constable of any town in the county of M—.

Greeting:

In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to apprehend D. E., of L—, in said county of M—, (if he may be found within your precinct,) who stands charged by the complaint of J. S., upon oath, with the offence of keeping intoxicating liquors, with intent to sell the same in this Commonwealth, contrary to law, and bring him before the subscriber, or some other justice of the peace in said county of M—, to be dealt with as to law and justice may appertain.

You are also required to summon (Here insert the names of the witnesses,) and the complainant, to appear and give evidence of what they may know touching the matter of said complaint, at the time and place you have said D. E., before either of said justices for trial. Hereof fail not, and make due return of your doings herein.

Witness my hand and seal, at said L—, in the year one thousand eight hundred and

N— C—, Justice of the Peace.

Form of Mittimus for keeping intoxicating liquors for sale under section thirty-six.

Mittimus.

COMMONWEALTH OF MASSACHUSETTS.

M—, ss.

[L. s.] To the sheriff of the county of M—, his deputies, the constables of the town of L—, and the keeper of the jail in C—, in said county.

Whereas, D. E., of L—, in said county, now stands convicted before me, the subscriber, one of the justices of the peace in and for said county of M—, of keeping intoxicating liquor at said L—, on the of in the year eighteen hundred and , with intent to sell the same in this Commonwealth, he not being then and there authorized so to sell the same under the provisions of chapter four hundred and fifteen of the

acts of the year eighteen hundred and sixty-nine of this Commonwealth, or by any lawful authority whatever; for which offence he, the said D. E., is sentenced by me, the said justice, to pay a fine of ten dollars to the use of the Commonwealth, and costs of prosecution, taxed at .dollar and cents, and to be imprisoned twenty days in the house of correction in C—, in said county.

We therefore command you, said sheriff, deputies, and constables, and each of you, forthwith to convey the defendant, D. E., to the house of correction in C—, in the county aforesaid, and to deliver him to said keeper. And you, the keeper, are, in like manner, commanded to receive the defendant, D. E., (whom we herewith send,) into your custody in said jail, there safely to keep him for twenty days, and to keep him twenty days longer unless said fine and costs are sooner paid, or until he be otherwise discharged by due course of law.

Witness my hand and seal at aforesaid, the day of
 , in the year eighteen hundred and
 N— C—, Justice of the Peace.

Form of Complaint to search for intoxicating liquor under section forty-four.

COMMONWEALTH OF MASSACHUSETTS.

Complaint to
 search.

M—, ss.

To N. C., Esquire, a justice of the peace within and for the county of M—.

J. S., and L. P., both of B—, in said county of M—, and both being of full age, and competent to testify, in behalf of the Commonwealth of Massachusetts, on oath, complain that they have reason to believe, and do believe, that intoxicating liquors, to wit:—

(Here describe the liquors, as a certain quantity of rum, being about, and not exceeding, gallons; a certain quantity of gin, being about, and not exceeding, gallons, &c., according to the facts) on the day of , in the year one thousand eight hundred and , were, and still are kept and deposited by said D. E., of said B—, in a certain , situate

(Here describe the building or other place, with particulars of its location sufficiently to identify it) in said B—, and occupied by said D. E., and which liquors are intended by said D. E. for sale in this Commonwealth, said D. E. not being authorized to sell the same in this Commonwealth, or to manufacture or keep the same for sale, for any purpose under the provisions of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine of this Commonwealth, or by any other legal authority whatever, against the peace of the Commonwealth and the form of the statute in such case made and provided; and said complainants pray for a warrant to search said , described as aforesaid, for said liquors, and that the same may be de-

clared to be forfeited, and that said D. E., and all other persons claiming an interest in said liquors, may be summoned to appear before said justice, or some other justice of the peace or court having jurisdiction of the case, to show cause, if any they have, why said liquors should not be declared forfeited.

(If the place intended to be searched be a dwelling-house, and no tavern, store, grocery, eating-room, or place of common resort be kept therein, the complaint should conclude as follows:—

And I, J. S., one of the above-named complainants, on oath, say that I have reason to believe, and do believe, that intoxicating liquor, such as is above mentioned, has been sold in the house above mentioned, (or has been taken from the house above mentioned for the purpose of being sold,) by the occupant of said house, or with the consent and permission of the occupant of said house, contrary to law, within one month next before this day, and that said liquor above mentioned is now kept in said house for sale by said D. E., contrary to law; and my belief aforesaid is founded on the following facts and circumstances:—

(Here let such facts and circumstances be stated.)

J— S—
L— P—

Received and sworn to at said B—, before me, this day of —, in the year one thousand eight hundred and —; and it appears to me that there is probable cause to believe the foregoing complaint to be true.

N— C—, Justice of the Peace.

Form of warrant to search a dwelling-house, and seize liquors therein unlawfully kept for sale.

Search warrant.

COMMONWEALTH OF MASSACHUSETTS.

M—, ss.

[L. S.] To the sheriff of our county of M—, or either of his deputies or any constable of the town of B—, in said county.

Greeting:

Whereas J. S. and L. P., both of said B—, and both of full age, and competent to testify, on the — day of —, in the year one thousand eight hundred and —, at said B—, in behalf of the Commonwealth aforesaid, on oath, complained to the undersigned, one of the justices of the peace within and for said county of M—, that they have reason to believe, and do believe, that on the — day of —, in the year one thousand eight hundred and —, at said B—, intoxicating liquors, to wit:—

(Here describe the liquors, as in the complaint.) are kept and deposited by D. E. of said B—, in a certain —, situate

(Here describe the building or other place, as in the complaint.) in said B—, and occupied by said D. E. as
 , and that said liquors were; and are, intended for sale by
 he said D. E., in this Commonwealth, contrary to law—he,
 said D. E., not being then and there authorized to sell or manu-
 facture, or keep such liquors for sale in this Commonwealth for
 any purpose under the provisions of chapter four hundred and
 fifteen of the acts of the year eighteen hundred and sixty-nine
 of this Commonwealth, or by any other legal authority what-
 ever, whereby said liquors have become liable to be forfeited.

(In case the place to be searched be a dwelling-house, and
 to tavern, store, grocery, eating-room, or place of common
 resort, be kept therein, the warrant should contain the follow-
 ing clause:—)

(And J. S., one of the said complainants, has duly made oath
 that he has reason to believe, and doth believe, that intoxicat-
 ing liquors, such as are mentioned in the complaint, have been
 illegally sold in said house, within one month last past, by the
 occupant thereof, (or with the permission and consent of the
 occupant thereof, or have been taken from said house for the
 purpose of being sold,) contrary to law, within one month last
 past, and that such liquors are kept and deposited in said house
 by said D. E., and intended for sale in this Commonwealth, con-
 trary to law, and has, in his said oath, stated the following facts
 and circumstances on which his said belief was founded:—)

(Here let the facts and circumstances be repeated, as in the
 complaint.) And said complainants have also prayed that due
 process may issue to search for said liquors, and that such fur-
 ther proceeding may be had in the premises as to law and jus-
 tice in that behalf may appertain; and whereas it appears to
 me, the subscriber, on the complaint aforesaid, that probable
 cause has been shown for the issuing of a warrant of search
 thereupon:—

These, therefore, are to require you in the name of the Com-
 monwealth, taking with you proper assistants, forthwith to
 enter the herein above described, and make diligent and
 careful search for all the liquors herein above described, and, if
 such liquors are found therein, to seize and convey the same,
 and the vessels which contain such liquors, to some place of
 safety, and safely keep the same, to await the final action and
 decision of the court upon said complaint.

Herein fail not, and make due return of this warrant, with
 your doings thereon.

Witness my hand and seal at said B—, this day of ,
 in the year one thousand eight hundred and
 N— C—, Justice of the Peace.

(In a warrant for searching any other place besides a dwell-
 ing-house, that part in the foregoing form which relates to the
 means of knowledge of the complainant that a sale had been
 made in the building should be omitted.)

Warrant to officer to serve notice under sections forty-eight and forty-nine.

Warrant to
serve notice
returnable be-
fore a justice.

COMMONWEALTH OF MASSACHUSETTS.

M—, ss.

[L. s.] To the sheriff of our county of M—, or either of his deputies, or any constable of the town of B—, in said county:—

(If the seizure be made in a city, the warrant may be directed to the city marshal and other city officers authorized to serve it.)

You are hereby commanded to serve the annexed notice, by delivering an attested copy thereof into the hands of D. E. of B—, in the county of M—, or leaving an attested copy thereof at his usual place of abode, and also by posting up another attested copy thereof on

(Here describe the building in which the liquor was seized, if it be found in any building; but if not found in any building, say in some public place in said town of B—,) and also by publishing an attested copy thereof twice (or more times if thought advisable) in the , a newspaper published in said B—; and you are hereby commanded to serve said copy on said D. E., and to post another copy as above directed, and to publish the copy of said notice the first time, at least fourteen days before the day of , in the year one thousand eight hundred and

Hereof fail not, and make due return of this warrant, with your doings thereon.

Witness my hand and seal at B—, this day of , in the year one thousand eight hundred and

N— C—, Justice of the Peace.

Form of notice. Form of Notice under sections forty-eight and forty-nine to be annexed to the foregoing Warrant, and serve as therein directed.

To D. E., of B—, in the county of M—, and to any and all other persons claiming any interest in (twenty gallons of rum in a barrel, two gallons of gin in a demijohn, and in said barrel and demijohn, or as the case may be,) which, by virtue of a warrant issued by me, have been seized (at the dwelling-house of said D. E., in said B—, or as the case may be,) on the day of , in the year eighteen hundred and , the value of which rum and gin, with the vessels containing them, does not in my opinion exceed twenty dollars.

You are hereby required to appear at

(Here name the place appointed for the hearing) in said B—, at o'clock, M., on the day of in the year one thousand eight hundred and , to answer to the complaint against said liquors and the vessels containing them, and for trial, and to show cause, if any you have, why said

liquors and the vessels containing them should not be forfeited for being kept for sale by said D. E., in violation of the laws of this Commonwealth.

Witness my hand at B—, this day of , in the year one thousand eight hundred and
N— C—, Justice of the Peace.

Warrant to officer to serve notice under section fifty-six.

COMMONWEALTH OF MASSACHUSETTS.

M—, ss.

[L. s.] To the sheriff of our county of M—, or either of his deputies, or any constable of the town of B—, in said county:—

(If the seizure be made in a city, the warrant may be directed to the city marshal and any other city officers authorized to serve it.)

You are hereby commanded to serve the annexed notice, by delivering an attested copy thereof into the hands of D. E., of B—, in the county of M—, or by leaving an attested copy thereof at his usual place of abode, and also by posting up another attested copy thereof on

(Here describe the building in which the liquor was seized, if it be found in any building; but if not found in any building, add, in some public place in said town of B—,) and also by publishing an attested copy thereof twice (or more times if the magistrate thinks it necessary) in the , a newspaper published in said B—; and you are hereby commanded to serve said copy on said D. E., and to post another copy as above directed, and to publish the copy of said notice the first time, at least fourteen days before the day of , in the year eighteen hundred and

Hereof fail not, and make return of this warrant, with your doings thereon, before the justices of our superior court next to be holden at C—, in and for our county of M—, on the day of , in the year eighteen hundred and

Witness my hand and seal at said B—, this day of , in the year one thousand eight hundred and

N— C—, Justice of the Peace.

Form of Notice under section fifty-six to be annexed to the foregoing Warrant.

To D. E., of B—, in the county of M—, and to any and all other persons claiming any interest in (one hundred gallons of brandy in two hogsheads, and two gallons of gin in a demi-john, and in said hogsheads and demijohn, or as the case may be) which, by virtue of a warrant issued by me, have been seized (at the dwelling-house of said D. E., in said B—, or as the case may be) on the day of , in the year one thousand eight hundred and , the value of which brandy and gin, with the vessels containing them, in my opinion exceeds twenty dollars.

Warrant to serve notice returnable before superior court.

Form of notice.

You are hereby required to appear before the justices of the superior court next to be holden at C—, in said county of M—, on the day of next, to answer to the complaint against said liquors and vessels containing them, and for trial, and to show cause, if any you have, why said liquors and vessels should not be forfeited for being kept for sale by said D. E., in violation of the laws of this Commonwealth.

Witness my hand and seal at B—, this day of , in the year one thousand eight hundred and

N— C—, Justice of the Peace.

Form of Warrant to deliver liquor, suitable for chemical, medicinal or mechanical purposes, to town agent, and to destroy liquor unsuitable for such purposes.

COMMONWEALTH OF MASSACHUSETTS.

M—, ss.

[L. s.] To L. M., deputy-sheriff, (here name the officer having the liquor in custody,) and S. T., a person appointed by N— C—, a justice of the peace for said county, to witness the destruction of certain intoxicating liquors.

Greeting:

Whereas certain intoxicating liquors, to wit, (ten gallons of gin in a barrel, and four gallons of port wine in a demijohn, or as the case may be,) have been declared forfeited by me, the subscriber, one of the justices of the peace in and for the county of M—, for having been kept by D. E., of B—, in said county of M—, at said B—, on the day of , in the year eighteen hundred and , with intent to sell the same in this Commonwealth, he not being then and there authorized so to sell the same, under the provisions of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine of this Commonwealth, or by any lawful authority whatever: whereupon I declared and adjudged among other things, that said liquors, with the vessels in which they are contained, were forfeited to the Commonwealth, and whereas, after hearing the evidence in the case, and examining said liquors, I was of opinion that a part of said liquors, to wit, said (ten gallons of gin,) are suitable for medicinal purposes, and that the rest of said liquors, to wit, said (four gallons of port wine,) are not suitable for chemical, medicinal, or mechanical purposes:—

Now, I hereby command you, said L. M., to deliver said (ten gallons of gin) to U. T., agent of said town of B—, (or such agent as may be appointed,) for the sale of spirituous liquors, to be by him sold according to law, and the net proceeds paid over to the treasurer of the Commonwealth; and I further order you, said L. M., to destroy said (four gallons of port wine,) in the presence of S. T., a person appointed by me to witness the destruction thereof, and make return of your doings on this precept. And we command you, said S. T., to attend

Warrant for delivery of liquor to town agent, or for destruction thereof.

And make return of this precept, with your doings thereon.
Witness my hand and seal, at said B—, the day of
 , in the year eighteen hundred and
 N— C—, Justice of the Peace.

SECTION 67. This act shall take effect on the first day of July next, except so much thereof as relates to the appointment of all officers and agents herein provided for, which shall take effect upon its passage. *Approved June 19, 1869.*

Chap. 416

SECTION 1. A court is hereby established in the town of Pittsfield, under the name of the District Court of Central Berkshire, and the towns of Hancock, Lanesborough, Peru, Windsor, Hinsdale, Dalton, Pittsfield and Richmond shall constitute a judicial district under the jurisdiction of said court. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations, as are provided in respect to existing police courts, except the municipal courts of Boston and Worcester, by the one hundred and sixteenth chapter of the General Statutes, and by all general laws passed in amendment, applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the district court of central Berkshire hereby established.

District court established for Central Berkshire.

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and-qualified pursuant to the constitution and laws of the Commonwealth.

SECTION 3. A clerk of said court shall be appointed and commissioned by the governor, and shall faithfully perform all services required by law of the clerks of like courts in this Commonwealth.

Either justice may issue warrants.

SECTION 4. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

Courts, when to be held.

SECTION 5. A court shall be held in some suitable place, to be furnished by the county of Berkshire, in said Pittsfield, for criminal business daily, except on Sundays and legal holidays, at nine o'clock in the forenoon, and in the afternoon whenever it appears expedient to said justice. The court shall be held for civil business weekly. Each term shall commence on Saturday, and actions therein may be continued to any future day fixed for the sitting of the court. In case of the sickness, interest, absence or other disability of the standing justice, one of said special justices shall hold said court. Said standing justice shall have power to make all proper rules for the conduct of the business of said court, and to establish a seal for said court.

Salary of justice and compensation of special justices.

SECTION 6. The standing justice of said court shall receive an annual salary of sixteen hundred dollars, to be paid from the treasury of the Commonwealth; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts; the clerk of said court shall receive an annual salary of six hundred dollars, to be paid from the treasury of the Commonwealth.

Salary of clerk.

Original concurrent jurisdiction with superior court where debt, &c., does not exceed \$200.

SECTION 7. Said court shall also have original concurrent jurisdiction with the superior court in the county of Berkshire in all cases where the debt or damages demanded, or property replevied, does not exceed in value two hundred dollars.

Cases pending in police court of Pittsfield to be transferred to district court.

SECTION 8. All cases pending at the time this act shall take full effect, whether civil or criminal, in the police court of the town of Pittsfield, shall be transferred to and have day in the proper day and term of the district court of central Berkshire, and all writs, processes, complaints, petitions and proceedings whatever, which are made returnable to or to be entered in said police court, shall be returnable to, entered and have day in the proper day and term of said district court, and all judicial writs and processes, and copies founded upon the records of said police court, shall issue under the seal of said district court in like manner and to the same effect as the same might have issued from said police court if this act had not passed; and all writs and processes may be made returnable to the several days and terms of said police court till this act shall take full effect,

and then all such writs and processes shall be made returnable to the days and terms herein established.

SECTION 9. The records of the said police court of the town of Pittsfield shall be placed and remain in the custody of the clerk of the said district court of central Berkshire. Records of police court to be transferred.

SECTION 10. All laws establishing the police court of Pittsfield or giving jurisdiction to said court, except so far as it may be necessary that the same should be supported for the purposes of this act, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed from the day this act shall take full effect, and if on said day any term of said police court should be in session or shall have been adjourned to a future day, the remainder of said term may be held by the justice of said district court. All laws establishing police court in Pittsfield repealed.

SECTION 11. All proceedings duly commenced before any trial justice or justice of the peace for the county of Berkshire within said district before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed. Proceedings commenced before trial justices, &c., to be prosecuted, &c.

SECTION 12. No writ or process issued by said district court in civil actions or proceedings, shall run into or be served in any county other than Berkshire county, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court wherein the writ or process is served upon the defendant in any county other than Berkshire county, except as above provided, if the plaintiff finally recovers a sum not exceeding twenty dollars for debt or damages, he shall be entitled to no costs except as is provided in the following section, but the defendant shall recover the costs to which he would have been entitled if he had been the prevailing party. Processes issued by court not to run beyond Berkshire County, except, &c.

SECTION 13. If the plaintiff's claim in a writ served upon the defendant out of Berkshire county as established on the trial exceeds twenty dollars and is reduced to that amount or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs. Recovery of claim exceeding twenty dollars, when defendant is out of county, to carry costs.

SECTION 14. The justice of said district court, and each of the justices of the police courts and municipal courts in the Commonwealth, may retain to their own use from the fees received in said courts, all sums paid by them for services of any special justices: *provided*, the sum so retained shall not in any one year exceed eight per centum of the Justice may retain fees not exceeding eight per cent. of annual salary for payment of services of special justices.

annual salary of such justice. But no justice or clerk of said courts shall receive any compensation, besides his regular salary or allowance, for making or issuing in any capacity complaints, warrants, subpoenas, or other process, which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said courts.

When to take effect.

SECTION 15. This act shall take effect, so far as the appointing, commissioning and qualifying the standing justice, special justices and clerk of said district court are concerned, upon its passage, and it shall take full effect on the first day of October next: *provided*, that payment of the salaries shall be only from the said first day of October.

Proviso.

Approved June 19, 1869.

Chap. 417 AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FORTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-EIGHT, CONCERNING THE DISSOLUTION OR DISMEMBERMENT OF FIRE DISTRICTS.

Be it enacted, &c., as follows:

Repeal of 1868, 346.

Chapter three hundred and forty-six of the acts of the year eighteen hundred and sixty-eight, entitled an act to provide for the dissolution or dismemberment of fire districts in certain cases, is hereby repealed: *provided, however*, that such repeal shall not affect any proceedings already commenced under said act, nor shall any portion of a fire district, which has already voted to withdraw from such district, be deprived thereby of any rights or remedies to which they would have been otherwise entitled under said act.

Proviso.

Approved June 19, 1869.

Chap. 418 AN ACT CONCERNING PROCEEDINGS IN WRITS OF DOWER.

Be it enacted, &c., as follows:

When demandant recovers judgment for dower, she shall have damages for detention, &c.

SECTION 1. If the demandant in a writ of dower recovers judgment for her dower, she shall in the same suit recover damages for its detention, to be assessed by a jury under the direction of the court, unless the parties shall file a written agreement in court that the commissioners hereafter named shall assess said damages.

Interlocutory judgment to be awarded.

SECTION 2. If upon default or the trial of an issue, it appears that the demandant is entitled to her dower, the court shall award the interlocutory judgment therefor.

Three commissioners to set out dower and award damages for detention.

SECTION 3. When the interlocutory judgment named in the preceding section is entered, the court shall issue its warrant, and shall appoint three disinterested persons as commissioners to set out said dower, equally and impartially, and as conveniently as may be, according to their best skill

and judgment, and to award damages for its detention if an agreement has been filed as provided in the preceding section.

SECTION 4. Said commissioners, before proceeding to the execution of their duties, shall be sworn faithfully and impartially to execute the same, a certificate of which oath shall be made on the warrant by the person who administers it. Commissioners to be sworn.

SECTION 5. The commissioners shall give sufficient notice, of the time and place appointed for setting out the dower, to the parties to the suit. —to notify parties.

SECTION 6. All the commissioners shall meet for the performance of any of their duties, but the acts of a majority shall be valid. —acts of majority of, to be valid.

SECTION 7. The commissioners shall make a return of their doings, with the damages, if any, assessed by them, under their hands, together with their warrant, to the court from which said warrant was issued. If their report is confirmed, judgment shall be rendered that the assignment of dower shall be firm and effectual during the life of the demandant, and for the damages as assessed by said commissioners. —to make return of doings to court.

SECTION 8. Any party aggrieved by any judgment rendered in the superior court under section second of this act, or upon a report of the commissioners aforesaid, may appeal therefrom, in any matter of law apparent upon the record, to the supreme judicial court; but upon an appeal from the judgment upon the report of the commissioners, the interlocutory judgment that dower shall be set out, shall not be drawn in question. Right of appeal to S. J. C. in any matter of law apparent upon the record.

SECTION 9. The demandant shall have execution for the damages assessed, either by the jury or the commissioners, after judgment is rendered therefor, and for costs of suit. Execution for damages and costs.

SECTION 10. The fourth and seventh sections of chapter one hundred and thirty-five of the General Statutes are hereby repealed. Repeal.

Approved June 21, 1869.

AN ACT TO AMEND THE FORM OF RETURNS REQUIRED OF RAILROAD CORPORATIONS OTHER THAN STREET RAILWAYS.

Chap. 419

Be it enacted, &c., as follows :

SECTION 1. The form of returns now required of railroads other than street railways shall be amended as follows : Form of returns amended.

Under the head of capital stock and debts, the first item shall read, "capital stock authorized;" and after the sixth item as it now stands shall be inserted, "amount realized in cash value for stock issued;" and after the fifteenth item as it now stands, shall be inserted, "whole amount in cash

value realized from funded and floating debts ;" and " whole amount in cash value realized from stock and debts."

Under the head of cost of road and equipment, after the forty-eighth item as it now stands, shall be inserted, " amount of discounts or other sacrifices on stock and bonds issued ;" and after the fiftieth item as it now stands shall follow a specification of assets, such as " cash and loans," " stocks and bonds," " real estate," " fuel," and other large items ; also another item, " income expended in construction and equipment."

Under the head of characteristics of road, in place of the fifty-first item as it now stands, shall be inserted, " length of main road in this state," and " length of main road in other states, specifying how much in each ;" and the length of branches required by the fifty-fourth item as it now stands, shall specify also the " length of branches in this state and each other state ;" and also after the fifty-fifth item as it now stands, shall be inserted, " length of roads belonging to other companies operated by this company," and " total miles of road operated by this company."

And all the items under the heads of doings during the year, expenditures for working the road, motive power and cars, miscellaneous, and income during the year, shall be made up for the " total miles of road operated by this company ;" and after the one hundred and forty-seventh item as it now stands, shall follow a specification of what said surplus consists of, such as " cash and loans," " stocks and bonds," " real estate," " fuel," and other large items.

SECTION 2. After the first day of December, in the year eighteen hundred and sixty-nine, all railroads subject to the authority of this Commonwealth shall make their returns strictly according to the forms provided by law ; and no railroad company shall be allowed to plead in excuse for not conforming thereto, that they do not keep their books so as to make such returns ; and the secretary of state and the attorney-general shall enforce the provisions of the laws against any railroad company not conforming thereto.

Approved June 21, 1869.

Chap. 420

AN ACT TO ESTABLISH A STATE BOARD OF HEALTH.

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice and consent of the council, shall appoint seven persons, who shall constitute the board of health and vital statistics. The persons so appointed shall hold their offices for seven years : *provided*, that the terms of office of the seven first appointed shall be

Secretary of state and attorney-general to enforce laws against railroads failing to comply.

Board of health and vital statistics.

Proviso.

anged that the term of one shall expire each year, and vacancies so created, as well as all vacancies occurring twice, shall be filled by the governor, with the advice and consent of the council; but any one may be reappointed.

SECTION 2. The board shall take cognizance of the interest of health and life among the citizens of this Commonwealth. They shall make sanitary investigations and inquiries in respect to the people, the causes of disease, and especially of epidemics and the sources of mortality and the wants of localities, employments, conditions and circumstances, on the public health; and they shall gather such information in respect to those matters as they may deem proper, for diffusion among the people. They shall advise the government in regard to the location of any public institutions. They shall, in the month of January, make report to the legislature of their doings, investigations and discoveries during the year ending December thirty-first, in such suggestions as to legislative action as they may deem necessary.

—to make sanitary investigations, &c., and report to legislature.

SECTION 3. The board shall meet at the state house once in three months, and as much oftener as they may deem expedient. No member except the secretary shall receive compensation, but the actual personal expenses of any member while engaged in the duties of the board shall be allowed and paid.

—to meet once in three months and serve without compensation.

SECTION 4. It shall be the duty of the board, and they are hereby instructed, to examine into and report what, in their best judgment, is the effect of the use of intoxicating liquor, as a beverage, upon the industry, prosperity, happiness, health and lives of the citizens of the state. Also, what additional legislation, if any, is necessary in the premises.

—to examine into and report upon the effect of liquor as a beverage.

SECTION 5. The board shall elect a secretary, either from their own number or otherwise; but when elected he shall be a member of the board and their executive officer. He shall perform and superintend the work prescribed in this law, and such other duties as the board may require. He shall receive from the treasury, in quarterly payments, an annual salary of twenty-five hundred dollars and his necessary travelling expenses incurred in the performance of official duties, after they have been audited by the board and approved by the governor and council, and all other necessary expenses arising in his office shall be paid out of the treasury in the same manner as those of the different departments of the government.

Secretary of board, his duties, compensation, &c.

SECTION 6. This act shall take effect upon its passage.

Approved June 21, 1869.

Chap. 421

AN ACT IN RELATION TO BRIDGES OVER MERRIMACK RIVER.

Be it enacted, &c., as follows :

Bridges over Merrimack River to be maintained in accordance with award of county commissioners.

SECTION 1. The four bridges over Merrimack River known as the Newburyport Bridge, the Essex Merrimack Bridge, the Rocks Bridge, and Haverhill Bridge, shall be lighted, tended, maintained, repaired, and kept in repair, by the several cities and towns charged with that duty by the award of the county commissioners which purported to lay them out as public highways, and in accordance with said award, until said award shall be finally set aside or sustained.

Account of expenses to be kept, and, if commissioners' award is set aside, expenses to be refunded to towns.

SECTION 2. An accurate account shall be kept of the expenses incurred under this act, and in case the award of the county commissioners or their doings in laying out said bridges as public highways shall be set aside, or declared invalid by the supreme judicial court of this Commonwealth, said expenses shall be repaid, with interest, to the towns and cities which shall have incurred such expenses, by the county of Essex and such towns and cities, or either of them, may maintain suits in law or in equity against said county to recover such sums of money, with interest, as they shall have expended under this act, in lighting, tending, maintaining and keeping in repair said bridges.

County commissioners to examine bridges, and if necessary order towns to repair, light, &c.

SECTION 3. The county commissioners of the county of Essex shall, within thirty days of the passage of this act, thoroughly inspect each of the four bridges mentioned in this act, and if, in their judgment, either of them shall be unsafe for public travel, then said commissioners shall, in writing, order such attendance, lighting and repairs, as they may deem necessary to the safety of travellers over said bridge; such order to be served by any officer competent to serve any civil process upon the selectmen of such towns or the mayor and aldermen of such cities, as may be charged with the maintaining and keeping in repair of such bridge or bridges, by the award and decree of the county commissioners purporting to lay out such bridge or bridges as public highways; and after a reasonable time, to be specified in said order, such towns or cities, or either of them, which refuse or neglects to comply with such order, shall each be liable to a fine of fifty dollars, for each and every day until said order shall be complied with, and said bridge or bridges rendered safe for public travel.

Penalty on towns for refusing.

Compliance with provisions not to affect rights of parties in suits at law, &c.

SECTION 4. Compliance with the preceding section shall not be used in evidence against, or in any way affect or prejudice the rights of the parties concerned in any suit in law or in equity concerning the premises.

Obligations of Eastern R. R. not invalidated.

SECTION 5. Nothing in this act shall invalidate any obligation that the Eastern Railroad Company is under by any of

provisions of chapter two hundred twenty-eight of the of eighteen hundred and sixty-four, or any other law, by any contract with any party or parties whatsoever; all rights and claims the Commonwealth may have on said railroad company, compelling them or requiring n to put in repair the said Newburyport Bridge, is in sideration of the duties imposed upon the said city of vrburyport by this act, hereby assigned and set over to the l city, and the said city of Newburyport may in their ae and to their use, or in the name of the Commonwealth, over in an action of contract any and all damages from l railroad company for neglect in not complying with the ms of any law or contract requiring them to keep in re- r, and leave in good passable condition the said Newbury- t Bridge.

SECTION 6. This act shall take effect upon its passage.

Approved June 21, 1869.

ACT IN ADDITION TO AN ACT CONCERNING THE OBSTRUCTIONS TO THE PASSAGE OF FISH IN CONNECTICUT AND MERRIMACK RIVERS. it enacted, &c., as follows:

Chap. 422

SECTION 1. Whenever any proprietor of any dam in Massachusetts, upon the Merrimack or Connecticut Rivers, shall ve refused or neglected for the period of thirty days from e time when the commissioners of fisheries shall have furnished such proprietors with the plan specified in sections ree, four and five of chapter two hundred and thirty-eight the acts of the year eighteen hundred and sixty-six, to ree with said commissioners for the building on, over or ound his dam of the fishway prescribed by the plan furnished such proprietors by said commissioners, then said mmissioners, or the survivors or survivor of them, or their ccessors or successor, may file in the supreme judicial urt a bill in equity, in their name but in behalf of said Com-onwealth, asking for a decree to enforce the immediate nstruction and erection of such fishway as is called for by e plan so furnished, to the acceptance of said commission- rs, and for such further and other relief as they may deem ecessary to enable them to enforce the provisions of said hapter two hundred and thirty-eight.

Commissioners may enforce in equity construction of fishways over or around dams upon Merrimack and Connecticut Rivers.

SECTION 2. Such proceeding, whether by bill to enforce pecific performance or by suit at law, as is provided in ection seven of said chapter two hundred and thirty-eight, r money expended, shall be brought in the supreme judicial ourt; may be made returnable in the county of Suffolk, nd shall have precedence upon the docket and priority in ll its stages over suits depending between private parties.

Proceeding to be in S. J. C., and may be made returnable in Suffolk.

Approved June 21, 1869.

Chap. 423 AN ACT IN ADDITION TO AN ACT TO ABOLISH THE SCHOOL DISTRICT SYSTEM.

Be it enacted, &c., as follows:

Union and contiguous school districts abolished.
Town to take possession of school-house.

SECTION 1. Union districts and contiguous school districts in adjoining towns are hereby abolished.

SECTION 2. Each town in which any school-house belonging to such union or contiguous district is located shall forthwith take possession of the same, with the land, apparatus and other property owned and used by such district.

Selectmen of the several towns to appraise and divide property.

SECTION 3. The boards of selectmen of the several towns out of which any such union or contiguous districts are formed, shall forthwith appraise the said property, and shall determine what proportion thereof is owned by the inhabitants of said several towns residing in said district. If the said several boards of selectmen shall not agree in their said appraisal, or apportionment, the same shall be determined by the county commissioners for the county in which either one of said towns is located to whom application is first made, and the decision of said county commissioners shall be final.

County commissioners to determine if selectmen fail to agree.

Tax to be levied upon whole town, and portion remitted to tax-payers of districts.

SECTION 4. Whenever any town shall take possession of said property a tax shall at the next annual assessment thereafter be levied upon the whole town, equal to the amount of said appraisal; and there shall be remitted to the tax-payers of such district, in said town, the proportion of the appraised value belonging to them; and the proportion belonging to the inhabitants of any town in which said property is not located shall be paid to the treasurer of such town, and the same shall be remitted to the tax-payers of said town belonging to said district.

Amendment to 1869, 110, § 2.

SECTION 5. Section two of chapter one hundred and ten of the acts of the present year is hereby amended by striking therefrom the words "provided that the appraisal of the school property in any district, or the amount to be remitted, shall not exceed the sum that has been actually raised by taxation in such district for such property."

Towns to assume all liabilities of districts.

SECTION 6. Towns in which school districts have been abolished under the provisions of this act, and the act to which this act is in addition, or during the present year, under the provisions of section three of chapter thirty-nine of the General Statutes, shall respectively assume and pay all the debts and liabilities of such districts, and the amount of such debts and liabilities shall be deducted from the amount to be remitted by such town.

Provisions of fifth section not to apply where town has taken possession of

SECTION 7. The provisions of section five of this act shall not apply to any town that has already taken possession of its school district property and appraised the same, under

provisions of chapter one hundred and ten of the acts of the present year, unless such town shall vote to re-appraise such property at a meeting duly held for that purpose.

SECTION 8. This act shall take effect upon its passage.

Approved June 21, 1869.

AN ACT RELATING TO THE TERMS OF PROBATE COURTS.

As it enacted, &c., as follows :

SECTION 1. Probate courts, in addition to the terms now allowed by law, may transact any business within their jurisdiction, where due notice has been given to all parties interested therein, or when no notice is required, on any day when courts may lawfully be held.

Probate courts may transact business on any day when courts may lawfully be held.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1869.

Chap. 424

AN ACT CONCERNING THE EXAMINATION OF WITNESSES.

As it enacted, &c., as follows :

SECTION 1. The party producing a witness before any court, as well criminal as all others, or before any person having by law or by consent of parties authority to hear, receive and examine evidence, shall not be allowed to impeach his credit by evidence of bad character, but he may contradict him by other evidence, and may also prove that he has made at other times statements inconsistent with his present testimony; but before such last mentioned proof can be given, the circumstances of the supposed statement sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statements, and if so, allowed to explain them.

Party producing witness may not impeach him by evidence of bad character, but may contradict him by other evidence.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1869.

Chap. 425

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF PERSONS AND PROPERTY UPON RAILROADS.

As it enacted, &c., as follows :

SECTION 1. No railroad corporation shall run or permit to be run upon its road a car for the transportation of passengers, baggage or merchandise, without a good and sufficient brake attached to the same: *provided*, that this act shall not apply to four-wheeled cars used only for the transportation of merchandise.

No car to be used without a sufficient brake.

Proviso.

SECTION 2. Any railroad corporation violating the provisions of the preceding section, shall for each offence, forfeit a sum not exceeding one hundred dollars.

Penalty.

SECTION 3. This act shall take effect upon the first day of October next.

When to take effect.

Approved June 21, 1869.

Chap. 426

Chap. 427 AN ACT RELATING TO STREETS AND SIDEWALKS IN THE TOWN OF FITCHBURG.

Be it enacted, &c., as follows:

Selectmen may fix or alter grades of streets and sidewalks.

SECTION 1. The selectmen of the town of Fitchburg may fix, alter or determine the grades of any streets or sidewalks in said town, and erect permanent monuments indicating such grades; but no such grades shall be established or monuments erected until a full description of such grades is reported to the town, and such grades accepted and allowed at some public meeting of the inhabitants, warned and notified therefor, nor unless such description is filed in the office of the town clerk seven days at least before said meeting. When the grades of any street or sidewalk are established, as aforesaid, said town and the owners of the estates abutting on such street, shall be bound thereby and have the same rights and be subject to the same liabilities, and such streets and sidewalks shall, in determining such rights and liabilities be considered, as if they were to be at once built to the grades so indicated, although said town shall not be required to build such streets or sidewalks to the grades so established until said selectmen shall determine that public convenience and necessity require it, nor until such determination has been reported to, and accepted by the inhabitants of said town, as aforesaid, otherwise than is hereinafter provided; and said town after having paid the damages awarded against them on account of the establishment of such grades, may at any time thereafter build such streets and sidewalks to the grades so established without being subjected to any further damages therefor.

—If benefited, to pay to town share of expense of establishing grade.

SECTION 2. Any person owning real estate abutting on any street the grades of which, or of the sidewalks on said street, have been established, as aforesaid, which is benefited thereby, shall pay to said town such sum as said selectmen shall assess upon him as his proportionate share of the expense of establishing the grades, and of building such street and sidewalks on such street to such grades; and the sum so assessed upon him shall constitute a lien upon said real estate for two years after it is assessed; and if not paid within ninety days after written notice of said assessment is served upon the owner of said real estate, or his agent, may be levied and collected by a sale of said real estate in the manner provided for the sale of real estate for non-payment of taxes.

If not paid within 90 days, estate may be levied on.

Proceedings as in case of laying out highways.

SECTION 3. All proceedings under this act not otherwise provided for, including a jury in all cases to revise the doings of said selectmen and said town, shall be like those provided by law in cases of laying out town ways; and a jury, if said

town unreasonably neglects to build any such street or sidewalk to the grades so established, may order the same to be done, and such order may be enforced in the way and manner provided by law in cases of neglect by towns to repair ways and bridges.

SECTION 4. This act shall not take effect unless the inhabitants of said town of Fitchburg, at a meeting legally called for that purpose, shall, within one year after its passage, by a majority vote, approve of the same. *Approved June 21, 1869.* When to take effect.

AN ACT TO AMEND THE CHARTER OF THE PAWNERS BANK OF BOSTON. *Chap. 428*
Be it enacted, &c., as follows:

SECTION 1. The Pawnors Bank in the city of Boston shall be hereafter called and known as the Collateral Loan Company. Name changed.

SECTION 2. Section four of chapter one hundred and seventy-three of the acts of eighteen hundred and fifty-nine, is hereby amended so as to read as follows: The charge on loans, to cover expenses of every kind, including interest, need not be uniform, but may be regulated by the bank; but it shall in no case exceed two per cent. per month. Charge on loans not to exceed two per cent. a month.

SECTION 3. The said bank may loan on pledge of safe securities of every kind, and in addition to the returns required to be made, shall report the amount of the accrued fund specified in the eighth section, and of the amount of the same distributed as provided in the tenth section of the charter of said corporation, and also how said sum was distributed. Additional returns required.

SECTION 4. Chapter one hundred and seventy-three of the acts of eighteen hundred and fifty-nine, shall not be construed to otherwise limit the division of earnings among the stockholders, than to provide that the aggregate dividends of the company from the beginning shall not exceed an average of eight per centum per annum. 1859, 173, construed.

SECTION 5. No tax shall be levied upon the said company for any year prior to the year eighteen hundred and seventy-five. Corporation not to be taxed prior to the year 1875.

SECTION 6. This act shall take effect upon its passage.

Approved June 21, 1869.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY ALFRED P. CLARK, AS JUSTICE OF THE PEACE. *Chap. 429*

Be it enacted, &c., as follows:

All acts done by Alfred P. Clark of Lawrence, as a justice of the peace within and for the county of Essex, between the eleventh day of September, in the year eighteen hundred and sixty-five, and the tenth day of June, in the Acts as justice of the peace confirmed.

year eighteen hundred and sixty-nine, are hereby made valid and confirmed to the same extent as though he had been during that interval duly qualified to discharge the duties of said office.

Approved June 21, 1869.

Chap. 430 AN ACT TO INCORPORATE THE NAUMKEAG MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Charles A. Ropes, Nathaniel Wiggin and James T. Almy, their associates and successors, are hereby made a corporation by the name of the Naumkeag Mutual Fire Insurance Company, to be established in the city of Salem, for the purpose of making insurance against losses by fire on land, on the mutual principle ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and purpose.

Powers and duties.

When policies may be issued. SECTION 2. No policy shall be issued until application shall be made for one hundred thousand dollars to be insured and no division of any profits remaining in the hands of the company shall be made so long as the company shall be held accountable for any policy issued by them.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1869.

Chap. 431 AN ACT TO AUTHORIZE THE TOWN OF DEERFIELD TO SUBSCRIBE FOR AND HOLD STOCK IN THE SUNDERLAND BRIDGE CORPORATION.

Be it enacted, &c., as follows :

Deerfield may take stock in Sunderland Bridge Corporation. Proviso. SECTION 1. The town of Deerfield is hereby authorized to subscribe for and hold shares in the capital stock of the Sunderland Bridge Corporation, to an amount not exceeding five thousand dollars : *provided*, the inhabitants of said town, at a legal meeting duly called for that purpose, shall vote to subscribe for such shares in accordance with the provisions of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

—may raise money by loan or tax to pay for stock, &c.

SECTION 2. The town is hereby authorized to raise by loan, tax, or bonds, any and all sums of money which may be necessary to pay its subscription to said stock, and for its proportion of repairs of said bridge, whenever the income from tolls of said bridge shall be insufficient to keep the same in proper condition for travel.

—selectmen of, to represent town at meetings of corporation.

SECTION 3. The selectmen of said town shall have authority to represent said town at any and all meetings of said bridge corporation, and are hereby authorized to vote on the whole

amount of the stock so held by said town, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

SECTION 4. The legislature may at any time authorize the county commissioners of the county of Franklin, to lay out as, and for a public highway, the bridge, abutments and ways, belonging to the proprietors of the said Sunderland Bridge Corporation, and make said bridge free, upon such terms and conditions as may be deemed just and proper; and whenever any three toll-bridges now existing across the Connecticut River within this Commonwealth shall become free bridges, then the said county commissioners shall so lay out and make free the said Sunderland Bridge; anything in chapter thirty-eight of the acts of the year eighteen hundred and eleven, or in any other existing laws to the contrary notwithstanding.

County commissioners may lay out bridge as public highway, whenever three toll-bridges over Connecticut River are made free.

SECTION 5. This act shall take effect upon its passage.

Approved June 21, 1869.

**AN ACT TO FURTHER PROTECT THE RIGHTS OF THE COMMONWEALTH
IN TIDE-WATERS.**

Chap. 432

Be it enacted, &c., as follows:

SECTION 1. All authority or license that has been granted during the present session of the legislature, or that may be hereafter granted by the Commonwealth, to any person or corporation to build any structure upon ground over which the tide ebbs and flows, or to fill up or inclose the same, whether such ground be above or below low-water mark, or within or outside of one hundred rods from high-water mark, or whether it be private property or the property of the Commonwealth, shall be subject to the following conditions, whether they be expressed in the act or resolve granting the same or not, viz.: such license or authority shall be revocable at any time, at the discretion of the legislature, and shall expire at the end of five years from its date, except where and so far as valuable structures, fillings or inclosures, as provided in the act or resolve, shall have been actually and in good faith built or made under the same. All things done under such license or authority shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred forty-nine of the acts of the year eighteen hundred and sixty-six, or of such other board as the legislature may appoint for that purpose. If the legislature shall establish harbor lines within the outer line covered by such license or authority, then such license or authority shall be construed to be limited by and not to extend beyond such harbor line.

Rights of Commonwealth in tide-waters protected.

License revocable by legislature, and to expire in five years.

Subject to approval of harbor commissioners.

License to build structures, how to be construed.

SECTION 2. All license or other authority that has heretofore been granted, or that may hereafter be granted, to build structures upon, or to fill up or inclose any such ground, shall be, as far as reasonably and justly may be practicable, so construed as not to interfere with or impair the right of any person affected thereby to equal proportional privileges of advancing to or towards low-water mark, or one hundred rods from high-water mark, or harbor lines established by law, or so as to impair the opportunity of persons having interests in lands or flats that may be affected thereby to obtain license or authority so to advance. Nothing in such license or authority shall be so construed as to impair the legal rights of any person.

Right of legislature to establish harbor lines not impaired.

SECTION 3. Nothing in this act shall be construed to impair any right or authority of the legislature respecting the establishment of harbor lines in any harbor or on any coast or beach.

Grants heretofore made not affected.

SECTION 4. Nothing in this act, and no provision in any other act or resolve expressing in terms that an authority or license to build upon, fill up or inclose ground under tide-water is revocable at the discretion of the legislature, shall have any effect whatever on the construction of grants heretofore made by the Commonwealth, as indicating whether or not a right of revocation attach to such grants.

SECTION 5. This act shall take effect upon its passage.

Approved June 21, 1869.

Chap. 433

AN ACT CONCERNING INDICTMENTS FOR MURDER.

Be it enacted, &c., as follows:

Party indicted for murder to be served forthwith with copy of indictment.

SECTION 1. As soon as may be after the finding of an indictment for the crime of murder, the party charged, when in custody, shall be served with a copy thereof by the sheriff or his deputy, with an order of the court notifying him, if the indictment is found in the county of Dukes-county, that the indictment will be entered forthwith upon the docket of the supreme judicial court in the county of Barnstable, and if found in any other county, that it will be entered forthwith upon the docket of the supreme judicial court in said county.

Indictment to be entered in S. J. C. in county where found, except Dukes County.

Clerk of superior court to transmit indictment to S. J. C.

SECTION 2. The clerk of the superior court, when such an indictment is found, shall forthwith, if the person accused is in custody, or if not, then immediately after his arrest, transmit the indictment to the supreme judicial court, as mentioned in the preceding section, and it shall be entered at once in that court, whether it shall be transmitted during a term of the court or in vacation. The supreme judicial

court shall have cognizance and jurisdiction thereof, and proceedings shall be had thereon in the same manner as if the indictment had been found in that court. The clerk of the supreme judicial court for the county in which the indictment is entered shall thereupon send notice thereof to the chief or first justice of the supreme judicial court and to the attorney-general, with a copy of the indictment, and a time may thereupon be appointed by said justice or any other justice of said court, for the arraignment of the prisoner upon the indictment, which time may be either in term time or vacation; and the proceedings upon the arraignment of the prisoner, and all other proceedings in the case, shall be as is now provided by law.

S. J. C. to have jurisdiction as though indictment was found in that court.
Clerk S. J. C. to send copies to chief justice and attorney-general.

Time for arraignment may be appointed.

SECTION 3. The justices of the supreme judicial court, or such number of them as constitute a court of law, may hold a special term in any county in which an indictment for a capital offence is pending, for the trial thereof, at such time and place as they shall direct by an order in writing, under their hands, addressed to the sheriff of the county, if it appears to them that the purposes of public justice require the trial to be had before the next stated term of said court in such county or any adjournment of a stated term of said court; and thereupon the said court, and the sheriffs, clerks and other officers, shall have and exercise the same powers, and perform the same duties, prescribed in sections twenty-two and twenty-three of chapter one hundred and twelve of the General Statutes; and the provisions of sections twenty-four and twenty-five of the same chapter shall also be applicable to such special term.

Special term of S. J. C. may be held for trial of capital case.

SECTION 4. Sections twenty-two and twenty-three of chapter one hundred and seventy-one of the General Statutes, and all other provisions of law inconsistent herewith, are hereby repealed; but nothing herein contained shall be construed to deprive the supreme judicial court of jurisdiction over cases now pending on the docket of said court.

Repeal.

Approved June 21, 1869.

AN ACT PROVIDING COMPENSATION FOR CLERICAL AND ACTUARIAL SERVICE IN THE INSURANCE DEPARTMENT.

Chap. 434

Be it enacted, &c., as follows:

SECTION 1. The clerk of the insurance commissioner shall receive an annual salary of two thousand dollars, to be paid from the first day of January in the present year.

Salary of clerk of insurance commissioner fixed.

SECTION 2. There shall be allowed and paid out of the fees received from life insurance companies as compensation for the valuation of policies on lives, all the expenses incurred for actuarial and clerical assistance employed in making such

One-fifth of fees received by insurance commissioner for valuation of policies on

lives, may be retained by insurance commissioner.

Proviso.

Repeal.

valuation, and all the incidental and contingent expenses connected therewith. One-fifth of the amount received, if so much then remains unexpended, shall be allowed and paid for the actuarial services of the commissioner: *provided* that the amount so allowed and paid in any one year shall not exceed the sum of three thousand dollars.

SECTION 3. All acts and parts of acts inconsistent herewith, are hereby repealed.

Approved June 22, 1869.

Chap. 435 AN ACT TO SUPPRESS EXHIBITIONS OF THE FIGHTING OF BIRDS AND ANIMALS.

Be it enacted, &c., as follows :

Persons present at exhibition of fighting of birds or animals may be arrested without warrant.

SECTION 1. Any officer authorized to serve criminal process, may enter any place, building or tenement where there is an exhibition of the fighting of birds or animals, or where preparations are being made for such an exhibition, and without a warrant, arrest all persons there present, and take possession of the birds and animals engaged in fighting, and of all birds and animals there found and intended to be used or engaged in fighting; such persons shall be kept in custody in jail or other convenient place not more than twenty-four hours, Sundays and legal holidays excepted; at or before the expiration of which time such persons shall be brought before a justice of the peace, police or municipal court, and proceeded against according to law.

Birds or animals to be forfeited and sold.

SECTION 2. After the seizure of any birds or animals, as provided in the preceding section, application shall be made to a trial justice, police or municipal court for a decree of forfeiture of the same; and if upon the hearing of such application it shall be found and adjudged that the same at the time of said seizure were engaged in fighting at an exhibition thereof, or were owned, possessed or kept by any person with the intent that the same shall be so engaged, they shall be adjudged forfeit, and any officer authorized to serve criminal process shall sell the same in such manner as the court or justice shall order, and pay the proceeds of such sale to the use of the county. Should it be found and adjudged that any such birds or animals are of no use or value, the same shall be let at large, or otherwise disposed of as the court or justice may direct. The claimant shall be allowed to appear in the proceeding upon any such application. Any of such birds or animals not adjudged forfeit shall be delivered to the owner thereof.

Claimant aggrieved may appeal within 24 hours.

SECTION 3. Any claimant aggrieved by any decree of such court or justice, may, within twenty-four hours after the entry of such decree, and before execution thereof, appeal

therefrom to the superior court then next to be held in the county.

SECTION 4. The necessary expenses incurred in the care and disposing of such birds or animals may be allowed and paid in the same manner that costs in criminal prosecutions are paid. Expenses incurred in care of birds, &c., how paid.

SECTION 5. Whoever owns, possesses, keeps or trains any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, shall be punished by fine not exceeding fifty dollars. Penalty for training birds or animals.

SECTION 6. Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds or animals, with intent to be present at such exhibition, or is present at such exhibition, shall be punished by fine not exceeding ten dollars. Penalty for being present at exhibition.

Approved June 22, 1869.

AN ACT CONCERNING BONDS IN CIVIL CASES.

Chap. 436

Be it enacted, &c., as follows :

SECTION 1. Whenever in the course of a civil suit or proceeding a bond is required to be given by any party, such bond may be signed by any person other than the party to the suit or proceeding, and such bond may be approved in the same manner as is now provided by law for the approval of bonds : *provided*, it be made to appear to the magistrate so approving, that there is good reason why such bond is not signed by the party to the suit or proceeding. When bond is required in civil suit, magistrate may allow it to be signed by any person other than party to the suit. *Proviso.*

SECTION 2. Chapter two hundred and eighty-five of the acts of the year eighteen hundred and sixty-eight is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 22, 1869.

AN ACT IN RELATION TO SUITS IN WHICH STATE BANKS ARE PARTIES.

Chap. 437

Be it enacted, &c., as follows :

SECTION 1. No suit between any bank incorporated under the authority of this Commonwealth, which may have become a banking association under the laws of the United States, and any other party, shall abate or be deemed to have abated by reason of the expiration, pending the suit, of three years from the time such bank may have become a banking association as aforesaid ; but the court in which such suit is or may have been pending may, for the purpose of determining the rights of the parties, permit the same to be prosecuted to final judgment, and may enter judgment therein for or against such bank, notwithstanding the expiration of said Suits between banks incorporated under laws of state and other parties not abated, notwithstanding three years have elapsed since bank has become national.

three years; and the court may make such orders as to the issue of execution, as shall, under the circumstances of the case, seem just and reasonable: *provided*, such suit shall have been commenced before the expiration of said three years, or within one year after the cause of action is discovered.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 438 AN ACT RELATIVE TO THE REPORTING OF QUESTIONS OF LAW BY THE SUPERIOR COURT.

Be it enacted, &c., as follows:

Questions of law arising before superior court may, by consent, be reported to S. J. C. before verdict.

SECTION 1. Questions of law, whether arising upon a trial or other proceeding before the superior court, may, by consent of the parties to the suit, be reported before verdict for the determination of the supreme judicial court; and so much of the case as is necessary for the understanding of said questions shall be reported for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 439 AN ACT TO AUTHORIZE WILLIAM L. BRADLEY TO EXTEND HIS WHARF IN WEYMOUTH.

Be it enacted, &c., as follows:

May extend wharf in Weymouth.

Subject to approval of harbor commissioners.

Provisos.

License is hereby given to William L. Bradley to extend his wharf in the town of Weymouth, on the northerly side of Weymouth Back River, southerly towards the channel forty feet beyond his present wharf, and to the extent of his land upon the shore of the river: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Approved June 22, 1869.

Chap. 440 AN ACT TO AUTHORIZE THE BOSTON AND ALBANY RAILROAD COMPANY TO CHANGE THE LOCATION OF ITS PASSENGER STATION, AND TO PROVIDE BETTER RAILWAY FACILITIES AND STATION ACCOMMODATIONS AT SPRINGFIELD.

Be it enacted, &c., as follows:

May change location of depot and enlarge accommodations in Springfield.

SECTION 1. The Boston and Albany Railroad Company is hereby authorized to change the location of its passenger station or depot, and to enlarge its passenger and freight

accommodations in the city of Springfield, and to change the grade of its railroad there, so as to pass either over or under Main Street by an independent crossing, to the acceptance of the mayor and aldermen of said city, and for these purposes may purchase or take, in accordance with the provisions of the General Statutes applicable to the same, any lands that may be found necessary.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1869.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY HENRY L. SABIN, AS JUSTICE OF THE PEACE. *Chap. 441*

Be it enacted, &c., as follows:

All acts done by Henry L. Sabin of Williamstown, as a justice of the peace within and for the county of Berkshire, between the twenty-fifth day of January in the year eighteen hundred and sixty-one, and the fifteenth day of June in the year eighteen hundred and sixty-nine, are hereby made valid and confirmed to the same extent as though he had been, during that interval, duly qualified to discharge the duties of said office.

Acts done as justice of the peace confirmed.

Approved June 22, 1869.

AN ACT IN ADDITION TO AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS. *Chap. 442*

Be it enacted, &c., as follows:

SECTION 1. The word "constable," wherever it occurs in chapter four hundred and fifteen of the acts of the current year, shall be held and construed to include within its meaning the constable of the Commonwealth and his deputies.

Word "constable," in 1869, 415, defined.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and sixty-nine.

When to take effect.

Approved June 22, 1869.

AN ACT TO REPEAL SECTION ONE OF CHAPTER TWO HUNDRED AND ELEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-EIGHT, CONCERNING THE ASSESSMENT OF TAXES. *Chap. 443*

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter two hundred and eleven of the acts of the year eighteen hundred and sixty-eight, entitled "An Act relating to the assessment of taxes," is hereby repealed. And the notice provided for in the second section of said act may be given on or before the fifteenth day of September in each year, and the lists of persons so assessed shall be deposited by the assessors with the clerk of the city or town on or before the first day of October in each year.

1868, 211, § 1, repealed.

Notice, when to be given; lists, when deposited.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 444**AN ACT IN RELATION TO RETURNS TO ASSESSORS.***Be it enacted, &c., as follows:*

Corporations to make return to assessors of certain stocks and bonds held by them as collateral security.

SECTION 1. Every corporation established within this Commonwealth by special charter, or organized under the general laws thereof, which holds on the first day of May shares of stock in corporations, other than those subject to taxation under the provisions of chapter two hundred and eighty-three of the acts of the year one thousand eight hundred and sixty-five, and acts in amendment thereof, or bonds of any description, as collateral security for borrowed money, or other liability, shall annually, between the first and tenth days of May, return to the assessors of each and every city and town, the whole number of such shares and bonds so held, the names and residences of the persons pledging the same, and the number, denomination and the par and cash market value, if known, of the shares and bonds pledged by each.

Penalty for neglect and for false return.

SECTION 2. Any corporation neglecting or refusing to make the returns required by this act, or wilfully making a return which is materially false or defective, shall forfeit for each offence a sum of not less than fifty nor more than one thousand dollars, to be recovered by an action of tort to the use of any city or town in which a person pledging such stock or bonds resides.

Returns to be made the present year by July 20th.

SECTION 3. The returns required by this act shall be made the present year on or before the twentieth day of July.

SECTION 4. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 445**AN ACT TO ESTABLISH A REGISTRY OF DEEDS IN THE NORTHERN DISTRICT OF ESSEX.***Be it enacted, &c., as follows:*

Registry of deeds established in Northern District of Essex.

SECTION 1. The city of Lawrence, and the towns of Andover, North Andover and Methuen, in the county of Essex, are hereby constituted a district for the registry of deeds, which district shall be known as the Northern District of Essex, and for all things relating to the register or registry of deeds, or other instruments, shall be deemed to be a county, and all provisions of law concerning such office shall apply to that office, except as is hereinafter provided; and the office of said registry shall be kept in the court house in the city of Lawrence.

Office in Lawrence.

Register to be appointed by governor and council.

SECTION 2. The governor and council shall, on or before the first day of October next, appoint some suitable person to be a register of deeds for said district, until some person

shall be chosen and qualified in the manner hereinafter provided.

SECTION 3. At the annual election in November, in the year eighteen hundred and seventy, and at the annual election in every third year thereafter, there shall be chosen by the city and towns comprising said district, a register of deeds for said district, who shall hold his office for the term of three years, and until another is chosen and qualified in his place.

—to be elected for three years in 1870.

SECTION 4. All laws in force when this act shall take effect, in relation to the election of registers of deeds in the various counties, and all laws relative to the registers and registries of deeds, shall apply to the elections in said city and towns, and to the manner of returning the votes and declaring an election, and to the officer and office hereby created, except so far as they may be inconsistent herewith.

Laws governing elections, &c., to apply.

SECTION 5. All the towns and cities in said county of Essex not above named shall remain a district for the registry of deeds, and shall be known as the Southern District of Essex for the registry of deeds, and in all things relating to registry and register of deeds and other instruments, shall be deemed a county. And the present register of deeds for the said county, shall be register of said last mentioned district until some other person is chosen and qualified in his stead.

Remaining towns, &c., to constitute Southern District.

SECTION 6. The register of deeds for the Southern District of Essex shall, on demand, deliver to the custody of the register of deeds for the said Northern District, all the original deeds and other instruments recorded and remaining in the office of the former, conveying or relating to land or estates situated in said last named district.

Register of Southern District to deliver to register of Northern District, deeds, &c.

SECTION 7. This act shall take effect on the first day of October next, excepting as to the appointment of register as is provided in the second section hereof; and for this latter purpose it shall take effect on the first day of June.

When to take effect.

Approved June 22, 1869.

AN ACT TO AUTHORIZE THE PURCHASE OF CERTAIN LANDS FOR THE BENEFIT OF THE FLATS OF THE COMMONWEALTH IN BOSTON HARBOR.

Chap. 446

Be it enacted, &c., as follows:

SECTION 1. For the purpose of making more available for sale the flats of the Commonwealth, in the harbor of Boston, and perfecting the improvement of the same, the powers conferred on the harbor commissioners by section two of chapter three hundred and twenty-six of the acts of the year eighteen hundred and sixty-eight, are hereby so far enlarged that said

Harbor commissioners may purchase for the Commonwealth certain South Boston flats.

commissioners are authorized to purchase for, and in the name of the Commonwealth, any lands and flats on the northerly shore of South Boston, lying westerly of the easterly line of E Street extended, and extinguish by purchase any claims to title in such lands and flats; and they shall have full power to determine and settle by agreement, arbitration or process of law the rights and interests which the Commonwealth has or shall acquire in any of said lands and flats and any parts thereof. Such lands and flats shall be subject to the same provisions of sections one, two, four and seven of said chapter, as the lands and flats in Boston harbor described in said first section, and the harbor commissioners shall have the same powers in relation thereto.

Section one of South Boston flats enlarged.

SECTION 2. Section one of the South Boston flats described in the fourth section of said act, is hereby enlarged so as to include the lands and flats acquired under this act, and the harbor commissioners may authorize the occupation and improvement of said section one without any reservation for a channel, and without requiring any dredging from a reserve channel.

Purchases and contracts to be subject to approval of governor and council.

SECTION 3. All purchases and contracts made under the provisions of this act shall be subject to the approval of the governor and council, and no obligation shall be assumed in behalf of the Commonwealth as a consideration for any such purchase beyond that of providing for the filling so much of the flats acquired under this act as shall be sufficient for a suitable street along the southerly line of such flats whenever the flats from the shore to such line shall have been filled by the riparian owners.

\$300,000 appropriated.

SECTION 4. There shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three hundred thousand dollars, to be expended in making the purchases herein authorized, and the same is hereby appropriated.

Proceeds of sales to be paid into sinking funds.

SECTION 5. The net proceeds of the sales of all lands purchased under authority of this act, and of all lands contained in section one of the South Boston flats referred to in the fourth section of chapter three hundred and twenty-six of the acts of the year eighteen hundred and sixty-eight, after deducting therefrom all sums of money paid for the purchase of the lands acquired under authority of this act, with interest, shall be paid into the sinking funds established by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, and chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five.

SECTION 6. For the purposes of this act, the treasurer and receiver-general, under the direction of the governor and council, is hereby authorized to issue scrip or certificates of debt, in the name and on the behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, for an amount not exceeding three hundred thousand dollars, and for a term not exceeding five years, the principal and interest payable in gold in the city of Boston. Said scrip shall be issued in the form of registered bonds, or in the form of certificates of debts, with interest coupons attached, as the governor and council shall decide, and shall bear an annual interest of five per cent., payable semi-annually on the first days of January and July in each year, and shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at maturity; and shall be sold and disposed of in such manner, and at such times, and in such pieces and amounts, as the governor and council shall deem for the best interests of the Commonwealth.

Treasurer, under direction of governor and council, may issue scrip in name of the Commonwealth at five per cent. interest in gold.

SECTION 7. This act shall take effect upon its passage.

Approved June 22, 1869.

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE CITY OF BOSTON TO LAY OUT A PUBLIC STREET OR WAY ACROSS SOUTH BAY, AND FOR OTHER PURPOSES.

Chap. 447

Be it enacted, &c., as follows:

SECTION 1. The city of Boston is hereby authorized to lay water-pipes from a point at or near the junction of Federal and Dorchester Streets in said city, in a westerly direction, crossing the Boston, Hartford and Erie Railroad to Pine Island, so called, thence in a westerly direction crossing the marsh and the Roxbury Canal to the junction of East Chester Park and Albany Street in said city: *provided*, that such pipe or pipes shall cross the Roxbury Canal by means of a syphon, so as not to obstruct navigation; and shall also cross the South Bay by syphon under so much of the channel as the harbor commissioners shall direct. And all things done under this act, so far as relates to the crossing of tide-waters, shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

Boston may lay water-pipes to Pine Island; thence across Roxbury Canal and South Bay by syphons.

Proviso.

SECTION 2. The act passed the present session of the legislature entitled, "An Act to authorize the city of Boston to lay a public street or way across South Bay," is hereby amended by striking from the first section thereof the fol-

Amendment to 1869, 78, § 1.

lowing concluding words thereof; "and, *provided*, that this act shall in no wise impair the legal rights of any person."

Street across South Bay to be constructed with solid filling, and pile-bridge, under direction of harbor commissioners. Boston may maintain railroad for construction of street.

SECTION 3. So much of the street across South Bay, mentioned in the act described in the preceding section, shall be constructed with solid filling, and so much thereof shall be a pile bridge, as the harbor commissioners shall direct.

SECTION 4. The city of Boston is hereby authorized to locate, construct and maintain a railroad track or tracks from some convenient point on any railroad near the street herein before mentioned near where the street herein before mentioned crosses said railroad, and may extend said track or tracks in an easterly direction or westerly direction; said railroad tracks to be used only for the construction of said street.

Damages to private property.

SECTION 5. All damages occasioned to private property by laying out and constructing said street, shall be ascertained and compensated in the manner provided in chapter forty-three of the General Statutes for the laying out of highways.

SECTION 6. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 448 AN ACT IN RELATION TO LAYING OUT STREETS IN THE THIRTEENTH, FOURTEENTH AND FIFTEENTH WARDS OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

City council may lay out streets, &c., in territory formerly city of Roxbury, and pay for land taken.

SECTION 1. The board of aldermen of the city of Boston, with the concurrence of the common council of said city, may lay out such public highways and streets in the thirteenth, fourteenth and fifteenth wards of said city, being the territory formerly constituting the city of Roxbury, as they in their judgment shall deem to be for the common benefit of the inhabitants of said city, and pay for the land so taken; which highways and streets said city of Boston shall not be obliged to complete sooner than the board of aldermen may deem it expedient so to do.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1869.

Chap. 449 AN ACT TO ALLOW THE BOSTON SKATING RINK ASSOCIATION TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, &c., as follows:

May hold \$100,000 additional real estate.

The Boston Skating Rink Association may hold real estate in addition to that which it is now by law authorized to hold, not to exceed in value the additional sum of one hundred thousand dollars; subject to all the conditions set forth in its original act of incorporation.

Approved June 22, 1869.

ACT IN ADDITION TO AN ACT TO AID THE CONSTRUCTION OF THE BOSTON, HARTFORD AND ERIE RAILROAD. *Chap. 450*

enacted, &c., as follows :

SECTION 1. For the purpose of aiding the Boston, Hartford and Erie Railroad Company in the construction of its railroad from the city of Boston to Fishkill in the state of New York, the equipment of the same, for filling its flats in Boston, and in building a sea-wall around them, and in construction of buildings for station and railroad accommodation, the treasurer of the Commonwealth is hereby authorized and instructed to issue scrip or certificates of indebtedness, in the name and behalf of the Commonwealth, and in the manner herein designated, to such an amount as with the amount heretofore authorized to be issued in aid of said company shall make the sum of five millions of dollars, which shall be expressed in the currency of Great Britain at the rate of four and eighty-four one-hundredths dollars to the pound sterling, and payable to the bearer thereof in London, and bearing interest of five per cent. per annum payable semi-annually in London on the first days of January and July; which said scrip or certificates shall be redeemable in London on the first day of January, in the year nineteen hundred, and shall bear date on the first day of January or July, which shall next precede the issue of the same. All said scrip shall be countersigned by the governor of the Commonwealth for the time being, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. The principal and interest on the scrip hereby authorized shall be expressed in the currency of Great Britain, and in paying the same the cost of exchange shall be paid by the Boston, Hartford and Erie Railroad Company in gold coin or its equivalent, at the option of the treasurer of the Commonwealth, and at least one million dollars of said loan shall be expended in the construction of said sea-wall and the filling said flats.

SECTION 2. The governor and council shall from time to time ascertain themselves, or by proper agents to be by them appointed, whether all contracts now or hereafter to be made with the Commonwealth in relation to the said flats for expenditures to be made in improving the same and in the construction of its road and all conditions required to entitle it to receive scrip have been complied with by said railroad company; and whenever the governor and council shall find that said railroad company shall have, since May first of the present year, complied with such conditions and agreements, and properly expended at least one hundred thousand

Scrip to be issued by state to aid Boston, Hartford and Erie Railroad.

—to be redeemable in London Jan. 1, 1900.

—to be countersigned by governor.

—principal and interest to be expressed in currency of Great Britain.

Governor and council to see that all contracts with state have been complied with.

Scrip to be issued as the work progresses.

dollars in construction of its railroad between Boston and Fishkill aforesaid, or in the purchase of new equipment to be used on said line of road, or in filling flats now owned by said railroad company, or which it may hereafter purchase of the Commonwealth on the northerly shore of South Boston, and in building a sea-wall around or along the same, as now is, or may be, provided in any contract between said railroad company and the Commonwealth, or in construction of buildings thereon for railroad uses, then said governor and council shall cause certificate thereof to be made to the treasurer of the Commonwealth, and scrip to the amount expended shall be delivered under the terms and provisions of this act to said railroad company, (reckoning a pound sterling to represent four dollars and eighty-four cents,) and for every additional sum of one hundred thousand dollars expended by said railroad company, in the manner and for the purposes aforesaid, scrip to the amount expended shall be delivered, in the manner and upon the terms aforesaid, to said railroad company, until the whole amount authorized shall have been issued and delivered. And no further issue or delivery of scrip shall be made to said company on account of any expenditure prior to May first of the present year. Any expenses incurred by the Commonwealth, or by the governor and council or any committees or agents of the same in relation to the loan hereby or heretofore authorized, shall be paid by said railroad company, together with a proper sum in compensation for any services of such agents, to be determined by the governor and council.

Expenses in relation to loan to be paid by railroad company.

No scrip to be issued until an agreement has been executed by road to comply with provisions of this act, and to pay principal and interest in gold, &c.

SECTION 3. No scrip shall be delivered to the treasurer of said railroad company under the provisions of this act until an agreement shall have been executed by said company to the Commonwealth, in a form approved by the attorney-general of the Commonwealth, and delivered to the treasurer of the Commonwealth, and conditioned that said railroad company shall comply with the provisions of this act, and shall indemnify and save harmless the Commonwealth from all expenses incurred, or loss or damage on account of said scrip, and that said railroad company shall and will well and truly pay the principal sum of said scrip in gold coin when the same shall become due and payable, and interest thereon in gold coin as the same shall fall due, together with the cost of exchange on both principal and interest as heretofore provided, and shall have executed to the Commonwealth a mortgage satisfactory to the governor and council, of the flats purchased, or which may hereafter be purchased, of the Commonwealth, and of the lands and flats purchased of the

Boston Wharf Company, in security for said purchase or purchases of the Commonwealth and for the loan hereby authorized, and for any other liability said railroad company may incur to said Commonwealth in and by any contract made or hereafter to be made, and shall deliver to the treasurer of the Commonwealth, before said railroad company shall receive the scrip as aforesaid, as security for the performance of the conditions of said agreement, one thousand dollars in the bonds secured by the mortgage to Robert H. Berdell and others, trustees, to and for every one thousand dollars to be received by said treasurer of the Boston, Hartford and Erie Railroad Company in scrip as herein provided.

SECTION 4. There shall be reserved and set apart by said railroad company from each one hundred thousand dollars of the amount received from the sale of scrip issued to said railroad company from the Commonwealth, such a sum as the governor and council shall direct, which shall within thirty days from and after said scrip is delivered, be paid to the commissioners of the sinking fund established by the act to which this is in addition, to be held and invested agreeably to the provisions establishing said fund, and the sum so reserved shall not be a less amount than shall with the accumulations produce at the maturity of such scrip an amount equal to the scrip so issued.

Portion of scrip issued to be reserved and paid over to commissioners of sinking fund.

SECTION 5. The governor and council shall themselves, or by their committees or agents appointed for that purpose, at all times, until the payment of the scrip issued under this act, and of the act to which this is in addition, have free access to all the books and accounts of said railroad company for the purpose of examination.

Governor, &c., to have access to books and accounts of company.

SECTION 6. Section four of chapter two hundred and eighty-four of the acts of the year eighteen hundred and sixty-seven, and also so much of said chapter as relates to the appointment of commissioners, and the duties to be performed by them, and the conditions for the issue of scrip, so far as relates to the further issue thereof, is hereby repealed.

Repeal.

SECTION 7. There shall be two directors of said Boston, Hartford and Erie Railroad Company on the part of the Commonwealth, with all the rights and powers of stock directors. They shall be appointed by the governor and council, and upon the passage of this act one shall be appointed to serve for one year and one to serve for two years, and each year thereafter one shall be appointed to serve for two years.

Two directors to be appointed on the part of the state.

SECTION 8. And the said Boston, Hartford and Erie Railroad Company shall grant, at *pro rata* rates, to all parties

Management of express business.

applying therefor, the privilege to run over its road, and over all other roads under the control of the said company, for the purpose of carrying on the express business between all the towns upon the line of said road or roads.

SECTION 9. This act shall take effect upon its passage.

Approved June 22, 1868.

Chap. 451 AN ACT TO EMPOWER PROBATE COURTS TO AUTHORIZE TRUSTEES AND GUARDIANS TO MORTGAGE REAL ESTATE IN CERTAIN CASES.

Be it enacted, &c., as follows :

Trustees and guardians may be authorized to mortgage for repairs or betterments.

SECTION 1. Probate courts, after notice to all persons interested, may authorize any trustee or guardian having the control and management of any real estate to mortgage the same for the purpose of paying the sums assessed thereon for betterments, or the expense of repairs and improvements thereon made necessary by such betterments, when it shall appear to the court to be for the interest of such estate ; and the interest on such mortgage and any portion of the principal which the court may direct, shall be paid out of the income derived from the mortgaged estate.

Mortgage to set forth that it was made by leave of court.

SECTION 2. In every such mortgage it shall be set forth that the same was executed by leave of the court, and the date when such leave was granted, and such mortgage shall bind only the estate so mortgaged ; but the court shall require such trustee or guardian to give bond with sufficient sureties conditioned for the faithful application of the money received on such mortgage.

SECTION 3. This act shall take effect upon its passage.

Approved June 22, 1868.

Chap. 452 AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SIXTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY, RELATING TO SINGLE ACTS OF DRUNKENNESS.

Be it enacted, &c., as follows :

1860, 166, repealed.

G. S. 166, §§ 26, 26, 27, revived.

SECTION 1. Chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty is hereby repealed, and sections twenty-five, twenty-six and twenty-seven, of chapter one hundred and sixty-five of the General Statutes, are hereby declared to be in full force and effect.

SECTION 2. This act shall take effect upon the first day of July of the present year.

Approved June 22, 1868.

Chap. 453 AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE BOARD OF STATE CHARITIES.

Be it enacted, &c., as follows :

Agent to visit children maintained or indentured by Commonwealth.

SECTION 1. The governor, with the advice and consent of the council, shall appoint an agent to visit all children maintained wholly or in part by the Commonwealth, or who have

SECTION 9. The Great Northern Railroad Company is hereby further authorized and empowered to extend its road to the deep waters of Boston harbor, in the manner hereinafter provided; and for this purpose, and for the purpose of establishing a shipping depot, may purchase or lease, or may enter upon and use, any part or the whole of any railroad or franchise of the Mystic River Railroad, or of any railroad now or formerly of the East Boston Freight Railroad Company, and may purchase or lease the railroad franchises of the Marginal Freight Railroad, or any part thereof, and may purchase and improve such lands, wharves and buildings as may from time to time be deemed requisite for the purpose aforesaid. And said Great Northern Railroad Company shall hold and possess any railroads purchased or used in pursuance of the provisions of this section, subject to all the provisions, duties, restrictions and liabilities to which the same are now subject.

Great Northern Railroad Company may extend road to deep waters of Boston harbor.

SECTION 10. The charges for the transportation of passengers and freight upon the railroads of said Great Northern Railroad Company shall not at any time exceed the local rates of charge, as now established upon the existing published tariffs of the several railroad companies which may hereafter sell or lease their roads under the provisions of this act; and the charges for transportation on through freight, discharged within thirty miles of Boston, shall not exceed the rates of through freight to said city; and the facilities to connecting railroads and the depot accommodations and facilities for the transportation of freight and passengers which are now afforded by the several railroads forming the consolidated company shall not be diminished; and the said Great Northern Railroad Company shall be subject to the laws of each of the several states through which the same shall pass, relative to the rights and duties of connecting roads, and to all general laws of each of said states concerning railroads, and to all the rights and duties provided for or reserved in the charters of the various roads of which it shall be composed; and the dividends of said Great Northern Railroad Company shall not exceed an average of ten per centum per annum upon the capital stock thereof.

Charges for transportation of passengers and freight.

SECTION 11. The Commonwealth may at any time purchase that portion of the trunk line of said Great Northern Railroad Company lying within this Commonwealth, together with all the franchises, property, rights and privileges thereof, and a proportionate share of its equipments, by paying therefor to said corporation such sum as will reimburse the stockholders thereof the amount of capital stock actually

Commonwealth may purchase road at any time.

ized to provide for the maintenance of any child placed in family as aforesaid at an expense not exceeding the average cost of the support of such child in any of the state reformatories. And it shall be the duty of said agent to seek out families willing and suitable to receive such children, and furnish the names and places of residence of the same to the boards or magistrates who are to provide for the commitment or indenture of a child under this act: *provided*, that the provisions of this section so far as they require notice to the visiting agent shall not apply to the superior court.

Proviso.

—to make
monthly report
to board.

SECTION 5. The visiting agent shall make a monthly report to the board of state charities of all his proceedings especially concerning children placed in families under the fourth section of this act, and any person aggrieved by the action shall have the right of appeal to the board or magistrate having original jurisdiction of the child.

Industrial
school for girls.

SECTION 6. The duties required in sections three and four of this act shall, in case of the industrial school for girls, be performed by the officers of that institution under the supervision of the board of state charities.

Salary of secretary of board.

SECTION 7. The secretary of the board of state charities shall receive an annual salary of three thousand dollars from the first day of January of the present year.

SECTION 8. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 454 AN ACT TO ESTABLISH THE SALARY OF THE CHIEF CLERK OF THE TREASURY DEPARTMENT.

Be it enacted, &c., as follows:

Salary established.

SECTION 1. The chief clerk of the treasury department shall receive an annual salary of twenty-five hundred dollars payable from the first day of January of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 455 AN ACT TO AMEND AN ACT TO ESTABLISH A REGISTRY OF DEEDS IN THE NORTHERN DISTRICT OF ESSEX.

Be it enacted, &c., as follows:

Amendment.

SECTION 1. Section seven of the act to establish a registry of deeds in the northern district of Essex, passed at the present session, is hereby amended by striking therefrom the word "June" and inserting in place thereof the words "July next."

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1869.

AN ACT CONCERNING THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY. *Chap. 456*

Be it enacted, &c., as follows :

SECTION 1. The Boston, Hartford and Erie Railroad Company is hereby authorized, with the consent of the governor and council, to issue bonds to the amount of twelve hundred thousand dollars, in sums of not less than two hundred dollars each, to be dated November twentieth, eighteen hundred and sixty-eight, payable in twenty years from their date, and bearing interest at the rate of seven per cent. per annum, payable semi-annually, to pay for land and flats purchased by or for it, of the Boston Wharf Company, and said bonds may be secured by a mortgage of the premises so purchased.

May issue bonds to pay for land bought of Boston Wharf Company.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1869.

AN ACT IN RELATION TO CITY, TOWN AND PRIVATE TELEGRAPH LINES, AND TO REPEAL CHAPTER TWO HUNDRED AND THIRTY-TWO OF THE ACTS OF THE PRESENT YEAR.

Chap. 457

Be it enacted, &c., as follows :

SECTION 1. Cities and towns may construct for their own use lines of electric telegraph upon and along the highways and public roads within their respective limits, subject to the provisions of chapter sixty-four of the General Statutes, as far as the same are applicable.

May construct lines of electric telegraph.

SECTION 2. The board of aldermen of cities and the selectmen of towns may authorize any person, upon such terms and conditions as they may prescribe, and subject to the provisions of chapter sixty-four of the General Statutes, as far as applicable, to construct for private use a line of electric telegraph upon and along the highways and public roads of the city or town. After the erection of such line, the posts and structures thereof within the location of such highways and roads shall become the property of the city or town, and shall be subject to the regulation and control of the board of aldermen or selectmen, who may at any time require alterations in the location or erection of such posts and structures to be made by the parties using the same, and may order the removal thereof, having first given such parties notice and an opportunity to be heard. The city or town may, at any time, attach wires for its own use to such posts and structures, and the board of aldermen or selectmen may permit other persons to attach wires for their private use thereto or to posts and structures established by the city or town, and may prescribe such terms and conditions therefor, as they shall deem reasonable.

—may authorize other parties to construct private lines, &c.

Posts and structures to become town property, &c.

Penalty for injury to structures, &c.

SECTION 3. Whoever unlawfully and intentionally injure, molests or destroys any wires, posts, structures or fixtures of any line of electric telegraph, established or constructed under authority of this act, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, or by both said penalties.

Repeal.

SECTION 4. Chapter two hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 458

AN ACT TO CEDE JURISDICTION TO THE UNITED STATES OVER THE SITES OF FORT ANDREW AND FORT STANDISH, AT THE ENTRANCE OF PLYMOUTH HARBOR.

Be it enacted, &c., as follows :

Jurisdiction ceded to United States.

SECTION 1. Jurisdiction is hereby ceded to the United States over the site of Fort Standish, on the Saquish Neck, and over the site of Fort Andrew, on the Gurnet Point, (both sites lying to the northward and eastward, and near the entrance of the harbor of Plymouth,) for the purpose of building and maintaining thereon such forts, arsenals, wharves or other structures, with their appendages, as may be necessary for the public service, and as may be purchased for such use by the United States ; and the jurisdiction is also ceded over all the shores, flats and waters contiguous to those sites, and within four hundred yards from low-water mark, and all right, title and claim which the Commonwealth may have to or in the premises aforesaid, is hereby granted to the United States : *provided*, that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over all the premises aforesaid, as far as that all civil processes and such criminal processes against any person or persons charged with crimes committed without the premises aforesaid as may issue under the authority of this Commonwealth, may be executed on said premises, and in any building or structure erected or to be erected thereon, in the same way and manner and with the same effect as if jurisdiction had not been ceded as aforesaid.

Proviso.

Premises, &c., exempted from state taxes.

SECTION 2. The premises over which jurisdiction is granted by this act, and all structures and other property thereon, shall be exonerated from all taxes and assessments which may be imposed under the authority of this Commonwealth, while said premises shall remain the property of the United States, and shall be used for the purposes intended by this act.

SECTION 3. This act shall be void unless a suitable plan of these premises, as acquired by the United States by deed, is deposited in the office of the secretary of the Commonwealth within one year from the passage of this act.

Plan of premises to be deposited in secretary's office within one year.

SECTION 4. This act shall take effect upon its passage.

Approved June 23, 1869.

AN ACT TO INCORPORATE THE GREAT NORTHERN RAILROAD COMPANY.
As it enacted, &c., as follows :

Chap. 459

SECTION 1. The Boston and Lowell Railroad Corporation, the Nashua and Lowell Railroad Corporation, the Concord Railroad Corporation and the Northern Railroad Company, or any of them, at meetings duly called to consider the question of consolidation, may at any time within six years from the passage of this act, by vote of a majority in interest of the stockholders present and voting at such meetings, agree to unite and consolidate their respective corporations upon such terms as may be mutually agreed upon, subject to the provisions of this act; and such vote so passed by said corporations respectively, shall be effectual to unite and consolidate said corporations within the intent and meaning of this act. And said consolidated corporation shall have all the powers and privileges, and be subject to all the duties and liabilities set forth in chapter sixty-three of the General Statutes, and in all general laws that now are or may hereafter be in force relating to railroad corporations.

The Boston and Lowell, Nashua and Lowell, Concord and Northern Railroads, may consolidate.

SECTION 2. If any such consolidation takes place as is provided in this act, the corporation so formed shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property, claims, demands and estates, which, at the time of such union may be held and enjoyed by either of the said existing corporations, and be subject to all the duties, restrictions, obligations, debts and liabilities to which, at the time of the union, either is subject in severalty; and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corporation shall be a party, may be prosecuted and defended by the company hereby authorized, in the same name, in like manner and with the same effect as might have been done had such union not been formed. All claims, contracts, rights and causes of action, of or against either corporation, at law or in equity, may be enforced by suit or action, to be commenced and prosecuted by or against the corporation formed as aforesaid. And the said existing corporations shall continue corporations for the purpose of prosecuting or defending any suit or proceeding at law or in equity, or otherwise now pending, or

New corporation to have all powers and duties of existing corporations.

which may hereafter be brought by or against either of them out of this Commonwealth.

First meeting
of stockholders.

SECTION 3. The first meeting of the corporation hereby authorized shall be called by the presidents, or either of them, of the corporations composing its parts; and ten days notice shall be given of the time and place of said meeting, by publication in two newspapers in the city of Boston, and one in each of the cities of Lowell, Nashua, Manchester and Concord; and at said meeting, persons holding stock in either of the component corporations shall be entitled to one vote for each hundred dollars of the par value of the capital stock he may hold.

Old officers to
act until organ-
ization is per-
fected.

The officers respectively of the said corporations shall continue to exercise, in behalf of the united corporations, all the rights and powers which they now exercise till the united corporations shall be organized.

Old companies
to exist until
new is formed.

SECTION 4. After the organization of the corporation, formed as aforesaid, each of the said existing corporations shall continue, for the purpose of perfecting the said union, and doing all such acts and things, if any, as may be necessary therefor, and shall execute all such transfers, assignments and conveyances, as the corporation, formed as aforesaid, may deem necessary or expedient to vest in itself any property, estates, contracts, rights or claims, if any there be, which do not vest in it by virtue or authority of this act.

New corpora-
tion to be called
the Great
Northern Rail-
road Company.

SECTION 5. The corporation formed as aforesaid, shall be called the Great Northern Railroad Company; and is hereby authorized and empowered at any time within ten years from the passage of this act to purchase or lease, and thereafter to hold, maintain and operate in connection with its consolidated line as aforesaid, the several railroads, or any of them, extending to Montreal and Ogdensburg, viz.: the Vermont Central, the Vermont and Canada, the Ogdensburg and Lake Champlain, the Montreal and Vermont Junction, and the Stanstead, Shefford and Chambly Railroads, together with the several railroads, or any of them, now leased or operated in connection with the respective corporations forming said trunk line, or tributary thereto, viz.: the Stoneham Branch, the Salem and Lowell, the Lowell and Lawrence, the Stony Brook, the Wilton, the Manchester and Lawrence, the Manchester and North Weare, the Concord and Portsmouth, the Suncook Valley, the Concord and Claremont, the Contocook River, the Sullivan, the Boston, Concord and Montreal, the White Mountains, and the Connecticut and Passumpsic Rivers Railroads, and the line of steamships running in con-

action with said trunk line between Ogdensburg and Chicago, and ports upon the western lakes.

SECTION 6. The several railroad companies in this Commonwealth, before named, whose roads are now leased to or operated by said Boston and Lowell or said Nashua and Lowell Railroad Corporations, or either of them, are hereby authorized and empowered to sell or to lease their respective franchises and roads to the said Great Northern Railroad Company, upon such terms and conditions as may be mutually agreed upon in accordance with the provisions of this act, and ratified by a majority in interest of the stockholders respectively, present and voting, at meetings duly notified and held for such purpose: *provided, however*, that no such sale or lease shall invalidate the mortgages or otherwise secured indebtedness of the railroads so sold or leased, but the same shall be assumed by the said Great Northern Railroad Company, and the said mortgages continued as a lien upon the property unless otherwise agreed upon with the parties in interest.

Certain railroads authorized to sell franchises to Great Northern Railroad.

Proviso.

SECTION 7. If any stockholder in any road so purchased, shall at the meeting for the ratification of said purchase, or within thirty days thereafter, object to such sale, and demand payment for his stock of said purchasing corporation in writing, such stockholder or the purchasing corporation may at any time thereafter apply to the supreme court at any term thereof, held in any county through which any part of the said purchased road may pass, for the appointment of three persons to appraise the value of such stock. If the court shall be satisfied that reasonable notice has been given of such application, it shall thereupon appoint three persons to appraise the value of said stock, and shall designate the time and place of meeting of such appraisers, and give such directions in regard to the proceedings on said appraisement as shall be deemed proper, and shall also direct the manner in which payment for such stock shall be made to such stockholder. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and they or any two of them, after being duly sworn honestly and faithfully to discharge their duties, shall estimate and certify the value of such stock at the time of such dissent as aforesaid, and deliver one copy of their appraisal to the said purchasing company, and another to the said stockholder if demanded. The appraised value and the charges and expenses of the appraisers shall be paid by the said purchasing corporation, and when said corporation shall

If any stockholder objects to sale, and demands payment from the purchasing corporation, commissioners to be appointed to appraise stock, &c.

Three commissioners to have charge of works.

—to hold office for three years.

—vacancies, how filled.

—to make report to the city council.

—salaries to be fixed by city council.

—power of, to be vested in city when office ceases.

Damages to be paid by city.

SECTION 6. Three commissioners, elected by joint ballot of the two branches of the city council, shall execute, supervise and direct the performance of all the works, matters and things mentioned in the preceding sections, and do all otherwise specifically provided for in this act, subject, however, to such ordinances, rules and regulations as the city council may ordain and establish, not repugnant to the provisions of law. They shall respectively hold office for a term of three years next after their election, unless the works aforesaid are sooner completed; but they, or either of them, after having an opportunity to be heard in defense, may be removed by the city council, by concurrent vote of two-thirds of each branch thereof. In case of a vacancy in the board of commissioners, from any cause, such vacancy shall be filled by the election of another commissioner, who shall hold for the residue of said term. A major part of said commissioners shall be a quorum for the exercise of their powers, and the performance of the duties of said office. They shall, once in six months, and whenever required by the city council, render a particular report in writing, of all their acts and proceedings, and of the condition and progress of said works.

SECTION 7. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid to them for their services, which shall not be reduced during their continuance respectively in said office.

SECTION 8. Whenever the office of said commissioner shall cease, all the rights, powers and authority given to the city of Lynn by this act, shall be exercised by said city in such manner and by such officers, agents and servants, as the city council shall ordain and appoint.

SECTION 9. Said city shall be liable to pay all damages sustained by any person or corporation by the taking of any land, water, water rights, franchises or property, or by the constructing of any aqueduct, reservoir or other works for the purposes aforesaid. If any person or corporation sustaining damage as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways; or upon application by either party, and notice to the other, the supreme judicial court, or any justice thereof, may, at any time within one year after the damages are sustained, appoint three commissioners, who shall determine the amount of said damages, and, as soon as may be, said commissioners, or the major

t of them, shall make return thereof to said court, who, on acceptance of said report, may enter judgment thereon in costs: *provided*, if either party shall be dissatisfied with the award of said commissioners, such party may apply to the supreme judicial court, at the next succeeding term thereof in said county, for a trial by jury, and the same shall thereupon be tried at the bar of said court; and if upon each trial the amount of said award is increased, the party claiming damage shall recover his costs, otherwise the city shall recover costs, and the said court may issue execution upon any judgment so rendered.

SECTION 10. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, the city council shall have authority to issue scrip, notes, bonds or certificates of debt, to be denominated on the face hereof, "City of Lynn Water Loan," to an amount not exceeding in the whole the sum of six hundred thousand dollars, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and the principal to be payable at periods not more than thirty years from the time of issuing said scrip, notes, bonds or certificates of debt respectively; but the same shall not be sold or pledged for less than the par value thereof.

City council may issue scrip to defray expenses.

SECTION 11. The city council shall establish such price or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest, and not less than one per centum of the principal of the "City of Lynn Water Loan," and shall determine the manner of collecting the same. The net surplus income and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said loan, until the same is fully paid and discharged. The mayor, city treasurer, and president of the common council for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.

—to establish price for use of water.

Sinking fund.

SECTION 12. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement; and also the owner thereof shall be liable, if on being notified of such use, he does not object thereto.

Occupant and owner of tenement liable for rent.

SECTION 13. If any person shall use any of the said water, without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, springs, streams or sources of water taken or held by said city, pursuant to the provisions of this act, or corrupts

Penalty for using water without consent of city.

paid in in cash for the construction and equipment of said portion of said trunk line, and such further sum as shall, with the dividends received, make an average annual net profit of ten per centum from the times of payment for such construction and equipment to the time of the purchase by the Commonwealth. And the Commonwealth may purchase with said trunk line, any of the roads within its limits which may be purchased by said Great Northern Railroad Company, by paying the said corporation the actual original cost thereof to said corporation, with a net profit of ten per centum, including dividends upon the purchase.

No new authority given to take or use flats belonging to the state.

SECTION 12. This act shall give to said corporation no right to take or use any flats of the Commonwealth, and no right to erect any structure upon or to fill up any flats it may take or purchase, which right was not by law attached to such flats when taken or purchased.

SECTION 13. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 460

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE GREAT NORTHERN RAILROAD COMPANY.

Be it enacted, &c., as follows:

Number of directors.

SECTION 1. That the number of directors of the Great Northern Railroad Company shall not be less than nine.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 461

AN ACT AUTHORIZING THE EXTENSION OF THE BOSTON AND ALBANY RAILROAD TO DEEP WATER AT SOUTH BOSTON, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

May construct railroad to deep water at South Boston.

SECTION 1. The Boston and Albany Railroad Company are hereby authorized to construct and maintain a railroad over either of the following described routes, to wit: commencing at some point on the Boston and Albany Railroad, between Harvard and Oak Streets, or at or near the place where the same crosses under Albany Street in Boston; thence to Beach Street at some point between Utica and Cove Streets, passing, if they deem it expedient, on or along Lincoln or Utica Street; thence along Beach Street, or on either side thereof, across Federal Street, Fort Point Channel, and the Boston Wharf, to the Boston, Hartford and Erie Railroad, at a point not less than one thousand feet, measured on the centre of the location of said Boston, Hartford and Erie Railroad, distant from the harbor commissioners' line on the easterly side of Fort Point Channel; thence across said Boston, Hartford and Erie Railroad, on a level therewith, or

commencing near the junction of said railroad with the Hookline Branch, so called; thence in an easterly direction, near the line formerly the boundary line between Boston and Roxbury, crossing the Boston and Providence Railroad underneath the same, and crossing South Bay and the Boston, Hartford and Erie Railroad on a level therewith, to and over the flats belonging to the Commonwealth, to the exterior line shown on the plan annexed to the third annual report of the board of harbor commissioners, established by chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six. Said railroad company shall build and maintain such part or parts of said railroad above, at, or below the grade of the streets of the city of Boston as may be prescribed or directed by the board of aldermen of said city, before the construction thereof: *provided*, that in no case shall said railroad be allowed to pass Kneeland, South, Beach or Federal Streets, in the city of Boston, at grade; *provided, always, however*, that said railroad shall pass Kneeland Street west of South Street, and South Street not less than one hundred feet north of Kneeland Street, and shall not cross in any case the Old Colony and Newport Railroad on a level therewith.

SECTION 2. Said railroad shall cross Fort Point Channel or South Bay, by a bridge, to be erected in such manner as said harbor commissioners shall prescribe.

Proviso.

To cross Fort Point Channel, &c., by bridge.

SECTION 3. Said company may construct and maintain such additional railroad track or tracks as they may think fit, on or adjoining the location of their main railroad for any part or the whole of the distance between its terminus in Boston and any point in Worcester; and for said purposes may take land not exceeding two rods wide for each track so laid on either side of said location.

May maintain additional tracks between Worcester and terminus in Boston.

SECTION 4. For the purposes aforesaid, and for depot and station purposes, said company may at any time within five years from the passage of this act, in any town or city, purchase or take such lands or flats as and wherever they shall deem expedient, and may construct wharves on or fill up the same, may construct and maintain thereon depots and stations and railroad tracks: *provided*, that no lands or flats belonging to the Boston, Hartford and Erie Railroad Company, or the Boston Wharf Company, shall be taken, except for laying out, making and maintaining a railroad over and across the same, as herein before provided, not exceeding fifty-four feet in width, without their consent; that no lands shall be taken for depot and station purposes now used for such purposes by any other railroad corporation, without their

May take land, &c., for depot and other purposes, at any time within five years.

Proviso.

consent; and that no land or flats belonging to said Commonwealth shall be taken without the consent of the governor and council; but said Boston and Albany and said Boston, Hartford and Erie Railroad Company may make such arrangements with each other in regard to the occupancy and use of lands, flats or railroad tracks in Boston, belonging to or taken by either, as they shall deem to be for their common interest, and each may sell and convey any lands or flats belonging to or taken by it to the other. And said Boston and Albany Railroad Company may lay and use railroad tracks along and across those parts of any streets in South Boston adjoining any lands or flats purchased by them of said Commonwealth, or taken with its consent.

May purchase portion of Boston, Hartford and Erie Railroad.

May take stock in certain railroads.

May procure insurance upon goods in their custody.

May unite and consolidate with certain roads in New York.

SECTION 5. Said Boston and Albany Railroad Company are also authorized to purchase the whole or any part of that portion of the Boston, Hartford and Erie Railroad built or authorized to be built between the Brookline branch of said Boston and Albany Railroad and any point in the town of Woonsocket, in the state of Rhode Island; also to purchase or lease, connect with, enter upon and use, subscribe for and hold, the whole or any part of the railroads, rights, property, franchises, or capital stock, either of the Mystic River Railroad or of the Marginal Freight Railway Company, or of the South Boston Freight Railway Company, or of any one or more of said companies, or to loan money to either any one or more of said companies, or on the pledge of stock thereof, and to make such temporary or permanent contracts as shall be deemed expedient to complete or to aid in the completion of any railroad hereby authorized to be purchased. Said company may procure insurance on goods in their custody, whether as carriers or warehousemen, and issue negotiable receipts therefor. The said Marginal Freight Railway Company is hereby authorized to locate and construct its tracks on Atlantic Avenue, in the city of Boston, when opened for use. It may also contract with the city of Boston for the extension of Broad Street from its intersection with Federal Street to the intersection of Tufts and Lincoln Streets, and to lay its tracks on such extension. If no contract is made within two months from the passage of this act, the said company may take, purchase and hold a strip of land not exceeding thirty feet in width between said points. Said Boston and Albany Railroad Company may also unite and consolidate with itself in one corporation, and with their consent, the Albany and West Stockbridge Railroad Company, and the Hudson and Boston Railroad Corporation, existing in the state of New York, under the name of the

ston and Albany Railroad Company, with all the powers, privileges, rights and franchises, and subject to all the obligations and restrictions given or made and provided by chapter three hundred and forty-seven of the acts of the year eighteen hundred and fifty-five, as to the Western Railroad Corporation.

SECTION 6. For the purposes aforesaid, and after the purchase by said Boston and Albany Railroad Company from the Commonwealth of an amount of flats in South Boston of not less than fifty acres, said Boston and Albany Railroad Company are hereby authorized to increase their capital stock by issuing, in addition to the amount now allowed by law to be issued, an amount not exceeding five millions of dollars: *provided*, such stock shall not be issued for less than its par value as actually paid in in cash, and may also issue a further amount of stock not exceeding the amount actually paid by said Boston and Albany Railroad Company for any road purchased or taken under authority of this act, and the amount actually expended within two years thereafter in improving and equipping the same, such increase not to exceed three million dollars.

May increase capital stock and issue shares after purchasing fifty acres of South Boston flats.

Proviso.

SECTION 7. Before any sale of the new shares authorized to be created by this act, the directors of said corporation shall give notice in writing of such authorized increase to the treasurer of the Commonwealth and to the other stockholders; and within thirty days after such notice, the Commonwealth and the other stockholders may take at the par value thereof their proportion of such increased shares, according to the number of shares in such capital stock owned by them severally at the date of such increase; and if any shares then remain unsold, the said corporation shall dispose of the same at public auction for the benefit of the corporation: *provided*, that such shares as may be the proportion of the Commonwealth shall not be sold till after the session of the legislature next ensuing.

To notify state treasurer and stockholders before new shares are sold. Stockholders may take their proportion at par value.

Proviso.

SECTION 8. When notice of any such increase of capital stock shall be given to the treasurer of the Commonwealth, the governor, with the advice and consent of the council, is hereby authorized to instruct the treasurer to take the proportion of shares to which the Commonwealth may be entitled, or any part thereof; and the governor, with the advice and consent of the council, may draw his warrant on the treasury in payment therefor; and such temporary loans are hereby authorized to be obtained by the treasurer as may be necessary for the payment of the amounts thus drawn for.

The Commonwealth may take its proportion of shares.

Powers and duties.

Location to be filed within three years.

SECTION 9. In the exercise of the powers granted by this act, said corporations, and any person or corporation who shall sustain any damage in their property, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions provided by the general laws of this Commonwealth in the like case; but the location of any railroad, railroad tracks or land, which said Boston and Albany Railroad Company is by this act authorized to construct or take, may be filed at any time within three years, within such limits as they shall elect, except as provided in the previous sections hereof.

SECTION 10. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 462

AN ACT FOR SUPPLYING THE CITY OF LYNN WITH PURE WATER.
Be it enacted, &c., as follows:

May take water from Flax Pond.

SECTION 1. The city of Lynn, for the purpose of supplying the inhabitants thereof with pure water, is hereby authorized to take, hold and convey to, into and through said city, the waters of Flax Pond, so called, in said city of Lynn, and the waters which flow into and from the same, and any water rights connected therewith; and may take and hold by purchase or otherwise, such land on and around the margin of said pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said city. Said city may also, for the purpose

May take water from Humphrey's Pond in Peabody and Lynnfield.

aforesaid, take, hold and convey to, into and through said city the waters of Humphrey's Pond, so called, in the towns of Peabody and Lynnfield, and the waters which flow into and from the same, and may take and hold, by purchase or otherwise, such land on and around the margin of said pond, not exceeding two rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold in like manner such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said city: *provided*, that the right to take water from Humphrey's Pond shall not be exercised without the consent of the towns of Lynnfield and Peabody at a legal meeting held in each of said towns for that purpose, on or before the fourth Monday of July next.

Proviso.

SECTION 2. Said city, for the purpose aforesaid, may by agreement and arrangement with the city of Salem, by connecting pipes with the water works of said city of Salem, convey to, into and through said city of Lynn, the waters of Wenham Pond, so called, in the towns of Wenham and Beverly, and may take and hold, in like manner, such land as may be necessary, for the erecting and maintaining reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for conducting and distributing said waters through said city of Lynn.

May take water from Salem water works by agreement.

SECTION 3. The mayor of said city of Lynn shall, within thirty days after taking any of the lands aforesaid, file in the registry of deeds for the county of Essex, a description thereof, sufficiently accurate for identification.

Mayor to file in registry of deeds description of land taken.

SECTION 4. Said city, for the purposes aforesaid, may build aqueducts from said Flax Pond or from the point of connection with said water works of the city of Salem, and maintain the same by any works suitable therefor; may provide and maintain suitable machinery for raising the water above the source of supply; may erect such structures as are necessary for preserving the works; may make and maintain suitable dams and reservoirs, and establish such public fountains and hydrants as are at any time deemed proper, and may change or discontinue the same; may distribute the water throughout said city, regulate its use, and establish the rates to be paid therefor. Said city may also, for the purposes aforesaid, carry its pipes and other works over or under any water-course, street, railroad or highway, in such manner as not to obstruct the same, and may do any other acts and things necessary and proper in executing the purposes of this act.

Aqueducts, machinery, &c.

Dams, reservoirs, fountains, &c.

SECTION 5. If said city enters upon and digs up, for the purposes aforesaid, any road or highway without its own limits, it shall do so under the direction of the selectmen of the town in which such road or highway is located, and shall restore the same to as good order and condition as it was in before such digging was commenced. Said city shall at all times indemnify and save harmless any such town against all damages which may be recovered against it, and reimburse it all expenses, reasonably incurred by it, by reason of any defect or want of repair in such road or highway, caused by the laying or maintenance of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in said pipes: *provided*, said city has notice of any claim or suit for such damage or injury, and an opportunity to defend the same.

Roads entered upon and dug up without the limits of Lynn.

Indemnity for damages.

Proviso.

Three commissioners to have charge of works.

SECTION 6. Three commissioners, elected by joint ballot of the two branches of the city council, shall execute, superintend and direct the performance of all the works, matters and things mentioned in the preceding sections, and not otherwise specifically provided for in this act, subject, however, to such ordinances, rules and regulations as the city council may ordain and establish, not repugnant to the provisions of law. They shall respectively hold office for the term of three years next after their election, unless the works aforesaid are sooner completed; but they, or either of them, after having an opportunity to be heard in defence, may be removed by the city council, by concurrent vote of two-thirds of each branch thereof. In case of a vacancy in the board of commissioners, from any cause, such vacancy shall be filled by the election of another commissioner, to hold for the residue of said term. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of said office; they shall, once in six months, and whenever required by the city council, render a particular report in writing, of all their acts and proceedings, and of the condition and progress of said works.

—to hold office for three years.

—vacancies, how filled.

—to make report to the city council.

—salaries to be fixed by city council.

SECTION 7. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid to them for their services, which shall not be reduced during their continuance respectively in said office.

—power of, to be vested in city when office ceases.

SECTION 8. Whenever the office of said commissioners shall cease, all the rights, powers and authority given to the city of Lynn by this act, shall be exercised by said city in such manner and by such officers, agents and servants, as the city council shall ordain and appoint.

Damages to be paid by city.

SECTION 9. Said city shall be liable to pay all damages sustained by any person or corporation by the taking of any land, water, water rights, franchises or property, or by the constructing of any aqueduct, reservoir or other works for the purposes aforesaid. If any person or corporation sustaining damage as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways; or upon application by either party, and notice to the other, the supreme judicial court, or any justice thereof, may, at any time within one year after the damages are sustained, appoint three commissioners, who shall determine the amount of said damages, and, as soon as may be, said commissioners, or the major

part of them, shall make return thereof to said court, who, upon acceptance of said report, may enter judgment thereon with costs: *provided*, if either party shall be dissatisfied with the award of said commissioners, such party may apply to the supreme judicial court, at the next succeeding term thereof in said county, for a trial by jury, and the same shall thereupon be tried at the bar of said court; and if upon such trial the amount of said award is increased, the party claiming damage shall recover his costs, otherwise the city shall recover costs, and the said court may issue execution upon any judgment so rendered.

Proviso.

SECTION 10. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, the city council shall have authority to issue scrip, notes, bonds or certificates of debt, to be denominated on the face thereof, "City of Lynn Water Loan," to an amount not exceeding in the whole the sum of six hundred thousand dollars, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and the principal to be payable at periods not more than thirty years from the time of issuing said scrip, notes, bonds or certificates of debt respectively; but the same shall not be sold or pledged for less than the par value thereof.

City council may issue scrip to defray expenses.

SECTION 11. The city council shall establish such price or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest, and not less than one per centum of the principal of the "City of Lynn Water Loan," and shall determine the manner of collecting the same. The net surplus income and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said loan, until the same is fully paid and discharged. The mayor, city treasurer, and president of the common council for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.

—to establish price for use of water.

Sinking fund.

SECTION 12. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement; and also the owner thereof shall be liable, if on being notified of such use, he does not object thereto.

Occupant and owner of tenement liable for rent.

SECTION 13. If any person shall use any of the said water, without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, springs, streams or sources of water taken or held by said city, pursuant to the provisions of this act, or corrupts

Penalty for using water without consent of city.

Corrupting
water, &c.

the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year: *provided*, that nothing herein contained shall be construed to prevent persons from cutting and securing ice on Flax and Sluice Ponds in the manner heretofore practised.

Proviso.

Act to be sub-
mitted to the
voters.

SECTION 14. This act shall be void, unless submitted to and approved by a majority of the voters of said city present and voting at meetings held simultaneously for the purpose, in the several wards, on the first Monday of August next, upon notice duly given, at least seven days before the time of holding said meetings.

City council to
determine from
whence water
shall be taken.

SECTION 15. The city council shall, by joint ballot, at least fourteen days before said first Monday of August, determine the source from which, in the event of the acceptance of this act, said city shall take the water; and shall, forthwith, notify the inhabitants of said city of its decision, by publication in the newspapers of said city.

Aqueduct to be
constructed
within three
years.

SECTION 16. This act shall be void unless the aqueduct shall be constructed within three years.

SECTION 17. This act shall take effect upon its passage.

Approved June 23, 1869.

Chap. 463

AN ACT TO ENFRANCHISE THE INDIANS OF THE COMMONWEALTH.
Be it enacted, &c., as follows:

Indians, &c.,
made citizens.

SECTION 1. All Indians and people of color, heretofore known and called Indians, within this Commonwealth, are hereby made and declared to be citizens of the Commonwealth, and entitled to all the rights, privileges and immunities, and subject to all the duties and liabilities to which citizens of this Commonwealth are entitled or subject.

Indian lands.

SECTION 2. All lands heretofore known as Indian lands, and rightfully held by any Indian in severalty, and all such lands which have been or may be set off to any Indian, shall be and become the property of such person and his heirs in fee simple: *provided*, that such lands shall not be held liable to be taken upon attachment or execution for any debt or liability which existed before the passage of this act; and all Indians shall hereafter have the same rights as other citizens to take, hold, convey and transmit real estate.

Proviso.

SECTION 3. The judge of probate of the county in which any lands held in common belonging to any tribe of Indians may lie, except in the case of the Indians of Marshpee and Gay Head, upon the application of any member of said tribe, after notice to all parties interested and a hearing of the same, if in his opinion it is for the interest of said parties that any or all of said lands be divided, shall appoint two discreet, disinterested persons commissioners to make partition of the same, and their award, being confirmed by said court, shall be final in the premises; but if he shall adjudge that it is for the interest of said parties that the same, or a part of the same, be sold, he shall direct the said commissioners, after they shall have given such bonds as the court may require, to proceed to sell any or all of said lands, and to divide the proceeds of the same among the parties rightfully entitled thereto in proportion to their several interests therein, under the direction of the said court; and the judge of probate of the county in which any lands heretofore and now known as Indian lands, and claimed in severalty by any Indians, may lie, shall direct the said commissioners to examine and define the boundaries of the lands rightfully held by individual owners, and shall properly describe and set forth the same in writing, and such description being approved by the court, shall be final in the premises; and the same, together with all deeds of partition, division or sale made by such commissioners shall be recorded in the registry of deeds in the county, and the expenses of said commissioners, including the cost of recording said deeds, the same being approved by the judge of probate, shall be paid out of the treasury of the Commonwealth, the same being also approved by the governor and council.

Judge of probate to appoint commissioners to divide lands.

Said commissioners are authorized to sue for, collect and receive all funds belonging to, or held in trust for, any tribe of Indians for which said commissioners are appointed; and all such funds shall be divided by said commissioners among the parties rightfully entitled thereto under the direction of the probate court of the county in which such tribe resides; and any property held in trust by any person for any tribe of Indians shall be sold by such person under the direction of the judge of probate, and the proceeds of such sale shall be paid over to the commissioners to be divided as aforesaid. The judge of probate of Plymouth county shall have jurisdiction over all matters relating to the Herring Pond Indians under this section.

Commissioners to collect all funds, &c., and divide same.

Any person aggrieved by any order, decree or denial of the judge of probate under this act, shall have the same right of

Right of appeal.

appeal, under the same rules and regulations as provided for in chapter one hundred and seventeen of the General Statutes: *provided*, that the attested copies and notices required to be given by said chapter shall be served upon such parties as the judge of probate shall direct.

Proviso.

Provision for the support of poor Indians in state almshouses.

SECTION 4. Upon the application of the overseers of the poor of any town, to the board of state charities, said board shall make provision in the state almshouses or elsewhere for the support of any persons heretofore known as Indians who may be unable to support themselves, and who have not acquired a settlement in any town; and upon the application of any Indian who has heretofore received aid from the Commonwealth, the said board shall furnish to such person in the state almshouses or elsewhere, such aid as they may deem expedient.

Agent of board of state charities may sell or lease house in Webster.

SECTION 5. The general agent of the board of state charities shall take charge of the house, and all property connected therewith, in the town of Webster, belonging to the Commonwealth, and may lease the same to persons heretofore known as members of the Dudley tribe of Indians, upon terms substantially like those upon which they have heretofore occupied it; or he shall, under the direction of the board of state charities, sell the same at public auction, and the proceeds of such leases or sale shall be paid into the treasury of the Commonwealth.

Approved June 23, 1869.

Chap. 464 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Compensation of legislature, &c.

In the resolve chapter ninety-six, establishing the compensation of members of the senate and house of representatives and of the clerks and chaplains thereof, and of the lieutenant-governor and council, a sum not exceeding one hundred and seventy-five thousand five hundred dollars in addition to the amounts heretofore appropriated.

Daniel Lorden and others.

In the resolve chapter ninety-seven, in favor of Daniel Lorden and others, the sum of ten thousand two hundred and seventy-two dollars and thirty-nine cents.

Invertebrate animals.

In the resolve chapter ninety-eight, in relation to the republication of the report on the invertebrate animals of Massachusetts, a sum not exceeding seven thousand dollars.

In the resolve, chapter ten, in favor of Sylvanus Valler, Sylvanus Valler.
the sum of one hundred dollars.

In the resolve, chapter eleven, in favor of James McDonald, James McDonald.
the sum of one hundred and forty dollars.

In the resolve, chapter thirteen, in favor of Isaac Flye, the Isaac Flye.
sum of seventy-seven dollars.

In the resolve, chapter fourteen, in favor of Sewall A. Sewall A.
Faunce, the sum of thirty dollars. Faunce.

In the resolve, chapter fifteen, in favor of William H. William H.
Howard, the sum of three hundred dollars. Howard.

In the resolve, chapter sixteen, in favor of Susan E. Alger, Susan E. Alger.
the sum of one hundred and fifty-two dollars.

In the resolve, chapter eighteen, in favor of the Massachu- Eye and ear
setts charitable eye and ear infirmary, the sum of five thou- infirmary.
sand dollars.

In the resolve, chapter nineteen, in favor of the Perkins Asylum for
institution and Massachusetts asylum for the blind, the sum blind.
of fourteen thousand dollars.

In the resolve, chapter twenty, in favor of the New Eng- Hospital for
land hospital for women and children, the sum of one thou- women and
sand dollars. children.

In the resolve, chapter twenty-one, in favor of the Spring- Home for
field home for friendless women and children, the sum of friendless
two thousand dollars. women, &c.

In the resolve, chapter twenty-two, in favor of Henry J. Henry J.
Coolidge, the sum of three hundred dollars. Coolidge.

In the resolve, chapter twenty-three, in favor of the Flor- Florence Sew-
ence Sewing Machine Company, the sum of one thousand ing Machine
six hundred and forty dollars. Co.

In the resolve, chapter twenty-five, in favor of the state Almshouse,
almshouse at Tewksbury, a sum not exceeding one thousand Tewksbury.
five hundred dollars.

In the resolve, chapter twenty-seven, relating to the Essex Essex bridge
bridge fund, the amount of said fund for payment as therein fund.
provided.

In the resolve, chapter twenty-nine, in favor of the state Almshouse,
almshouse and primary school at Monson, a sum not exceed- Monson.
ing four thousand five hundred dollars.

In the resolve, chapter thirty, in favor of the state alms- Almshouse,
house at Bridgewater, a sum not exceeding one thousand five Bridgewater.
hundred dollars.

In the resolve, chapter thirty-one, in favor of Charles V. Charles V. Clay.
Clay, the sum of one hundred and twelve dollars.

In the resolve, chapter thirty-two, in favor of the tempor- Discharged
ary asylum for discharged female prisoners, the sum of two female prison-
thousand five hundred dollars. ers.

Agricultural college.

In the resolve, chapter thirty-four, in favor of the Massachusetts agricultural college, the sum of fifty thousand dollars.

State prison, dwelling-houses.

In the resolve, chapter thirty-six, providing for the erection of dwelling-houses in connection with the state prison, a sum not exceeding twenty-five thousand dollars; and a report of the manner in which this or any other expenditure authorized in favor of the state prison is applied, together with the returns required by section two of chapter three hundred and seven of the acts of the year eighteen hundred and sixty-four, shall be made in accordance with the provisions of said act.

N. E. moral reform society.

In the resolve, chapter thirty-eight, in favor of the New England moral reform society, the sum of one thousand dollars.

Angel guardian.

In the resolve, chapter forty-two, in favor of the house of the angel guardian, the sum of two thousand dollars.

Safes for treasury.

In the resolve, chapter forty-three, authorizing the purchase of additional safes for the department of the treasurer and receiver-general, a sum not exceeding eight thousand six hundred and fifty dollars.

Sarah E. Draper.

In the resolve, chapter forty-four, in favor of Sarah E. Draper, the sum of three hundred and twenty dollars.

William H. Aiken.

In the resolve, chapter forty-five, on the petition of William H. Aiken and another, the sum of two hundred and sixty-five dollars and thirty-four cents.

William M. Payne.

In the resolve, chapter forty-six, in favor of William M. Payne, the sum of one hundred and fifty dollars.

John C. Edwards.

In the resolve, chapter forty-seven, in favor of John C. Edwards, the sum of two hundred and sixteen dollars.

John McNamara.

In the resolve, chapter forty-eight, in favor of John McNamara, the sum of one hundred and thirty-eight dollars and sixty-seven cents.

Harriet A. Rockwood.

In the resolve, chapter forty-nine, in favor of Harriet A. Rockwood, the sum of one hundred and forty-seven dollars.

Mary Keefe.

In the resolve, chapter fifty, in favor of Mary Keefe, the sum of thirty-two dollars.

Demetrius Crampton.

In the resolve, chapter fifty-one, in favor of Demetrius Crampton, the sum of fifty dollars.

Jerusha Dunlap.

In the resolve, chapter fifty-two, in favor of Jerusha Dunlap, the sum of one hundred and twelve dollars.

Soldiers' and sailors' testimonials.

In the resolve, chapter fifty-three, providing for testimonials to soldiers and sailors, a sum not exceeding ten thousand dollars.

F. Wilhelmine Diersch.

In the resolve, chapter fifty-four, in favor of F. Wilhelmine Diersch, the sum of thirty-two dollars.

In the resolve, chapter fifty-five, in favor of the Washingtonian home, the sum of six thousand dollars. Washingtonian home.

In the resolve, chapter fifty-seven, in favor of the Worcester county free institute of industrial science, the sum of ty thousand dollars. Institute of industrial science.

In the resolve, chapter fifty-nine, in favor of Mary A. Boynton, the sum of thirty-two dollars. Mary A. Boynton.

In the resolve, chapter sixty, in favor of Maria J. Sanford, the sum of sixteen dollars. Maria J. Sanford.

In the resolve, chapter sixty-four, in favor of Abiah Thomas, the sum of one hundred and thirty-five dollars and twenty-five cents. Abiah Thomas.

In the resolve, chapter sixty-six, in favor of the New Salem Academy, the sum of ten thousand dollars. New Salem Academy.

In the resolve, chapter sixty-eight, concerning the state library, a sum not exceeding one thousand seven hundred ollars. State library.

In the resolve, chapter seventy-three, in favor of Frances E. Coggin, the sum of one hundred and forty-four dollars. Frances E. Coggin.

In the resolve, chapter seventy-five, in favor of Lewis Leo, the sum of one hundred and thirty-eight dollars. Lewis Leo.

In the resolve, chapter seventy-nine, in favor of the guardians of the Punkapog Indians, the sum of six hundred dollars. Punkapog Indians.

In the resolve, chapter eighty-two, in favor of Hannah J. Abbot, the sum of one hundred and thirty-eight dollars. Hannah J. Abbot.

In the resolve, chapter eighty-three, in favor of Lewis A. Horton, the sum of one hundred dollars. Lewis A. Horton.

In the resolve, chapter eighty-four, in favor of James H. Wilson, the sum of twenty-four dollars. James H. Wilson.

In the resolve, chapter eighty-five, in favor of John Bailey, the sum of fifty-four dollars. John Bailey.

In the resolve, chapter eighty-six, in favor of Mary Farrell, the sum of twenty-four dollars. Mary Farrell.

In the resolve, chapter eighty-seven, concerning the construction and repair of roads, a sum not exceeding four hundred dollars. Roads.

In the resolve, chapter eighty-eight, in favor of the Chappaquiddic and Christiantown Indians, the sum of three hundred and thirty-four dollars. Chappaquiddic Indians.

In the resolve, chapter eighty-nine, in favor of Owen McDonnell, the sum of two hundred dollars. Owen McDonnell.

In the resolve, chapter ninety-one, concerning the publication of the "Blue Book" edition of the acts and resolves of the present year, a sum not exceeding two thousand seven Blue Book.

hundred dollars, in addition to the amount heretofore appropriated.

Schools, &c., at
Gay Head.

In the resolve, chapter ninety-two, concerning schools and boundary lines at Gay Head, the sum of seven hundred and fifty dollars.

Ventilation.

In the resolve, chapter ninety-three, concerning the ventilation of committee rooms, a sum not exceeding five thousand dollars.

Grace C. Lowe.

In the resolve, chapter ninety-four, in favor of Grace C. Lowe, the sum of forty-eight dollars.

Inebriate asy-
lum.

In the resolve, chapter ninety-five, concerning the establishment of an inebriate asylum, a sum not exceeding five hundred dollars for expenses of the commissioners therein provided for.

Lectures before
board of agri-
culture.

The appropriation made in chapter three of the acts of the present year, for such clerical assistance as the secretary of the board of agriculture may find necessary, shall be held to include the amount authorized to be expended for lectures before said board, as authorized in chapter ninety-six of the acts of the present year.

Discharged con-
victs.

In the act, chapter one hundred and twenty-two, authorizing an increased expenditure by the agent for discharged convicts, a sum not exceeding five hundred dollars, in addition to the amount heretofore appropriated.

Alien passen-
gers.

In the act, chapter two hundred and fifty-one, relating to alien passengers, a sum not exceeding five thousand dollars.

Justices and
clerks of police
courts.

In the act, chapter three hundred and fifty-nine, establishing the salaries of justices and clerks of municipal and police courts, a sum not exceeding seven thousand three hundred dollars, in addition to the amounts heretofore appropriated.

District attor-
ney for Suffolk.

In the act, chapter three hundred and seventy-three, authorizing the district-attorney of the Suffolk district to employ clerical assistance, a sum not exceeding six hundred dollars for the present year.

Liquor commis-
sioner.

In the act, chapter four hundred and fifteen, concerning the manufacture and sale of intoxicating liquors, a sum not exceeding two thousand dollars for the salary of the commissioner therein provided for, the same being for the present year.

Board of health.

In the act, chapter four hundred and twenty, establishing a board of health, a sum not exceeding one thousand two hundred and fifty dollars, for the salary of the secretary of said board for the present year; and for the expenses of the board, a sum not exceeding ten thousand dollars.

For the publication and editing of the supplement to the General Statutes for the present year, as authorized by chapter eighteen of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding five hundred dollars for the publication, and two hundred dollars for editing the same.

Supplement to
General Stat-
utes.

For printing the report of shareholders in the national banks of the Commonwealth, as required by chapter one hundred and eighty-eight of the acts of the year eighteen hundred and sixty-seven, a sum not exceeding five thousand dollars.

Report of share-
holders in na-
tional banks.

For the payment of expenses incurred by the commissioners on fisheries appointed under chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six, for legal services, a sum not exceeding six hundred and sixty-seven dollars and eighty-four cents; and of the appropriation made in said chapter for expenses of the commissioners there is hereby re-appropriated a sum not exceeding eight hundred and sixteen dollars and fifty-two cents, the same to be in lieu of the re-appropriation of a like amount in chapter forty-two of the acts of the present year.

Commissioners
on fisheries.

For contingent expenses of the tax commissioner, a sum not exceeding two hundred dollars in addition to the amount heretofore appropriated for the present year.

Tax commis-
sioner.

To the Massachusetts war loan sinking fund, established under chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, the sum of one hundred and seventy-five thousand two hundred and fifty dollars.

War loan sink-
ing fund.

For the publication of the special laws, as authorized in the year eighteen hundred and sixty-eight, a sum not exceeding sixty-five dollars and fifty-six cents.

Special laws.

For expenses of committees appointed during the present session of the legislature, a sum not exceeding ten thousand dollars in addition to the amount heretofore appropriated for the present year, the same to include clerical assistance and also the compensation and expenses of committees appointed to sit during the recess: *provided*, that this shall not be construed to include the expenses of any committee not appointed by the two branches of this legislature.

Expenses of
legislative com-
mittees.

Proviso.

For the payment of state aid to John McIntire and wife and to Isaac Flye and wife, as authorized in chapter eleven of the resolves and chapter three hundred and thirty-eight of the acts of the year eighteen hundred and sixty-eight, the sum of two hundred dollars: and the continuance of this and all other special allowances of state aid by act or resolve shall terminate in accordance with the provisions of chapter

John McIntire
and wife.
Isaac Flye and
wife.

one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six.

Witnesses before committees.

For fees of witnesses before committees of the legislature a sum not exceeding eight hundred dollars, in addition to the amount heretofore appropriated for the present year.

Contingent expenses of legislature, &c.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the senate house, a sum not exceeding one thousand dollars, in addition to the amount heretofore appropriated, the same to be subject to the conditions set forth in chapter thirty-six of the acts of the present year.

Record of soldiers.

For the publication of the record of Massachusetts soldiers in accordance with the provisions of chapter ninety-eight of the resolves of the year eighteen hundred and sixty-six, a sum not exceeding fifteen thousand dollars, in addition to appropriations heretofore made.

State paupers.

For the support of state paupers by cities and towns, a sum not exceeding five thousand dollars, in addition to the amount heretofore appropriated for the year eighteen hundred and sixty-eight.

Indians.

For expenses incurred on account of Indians during the present year, as authorized by statute, a sum not exceeding two thousand and five hundred dollars, the same to include the amounts due on account of the salaries of guardians of the several tribes.

Pamphlet edition of general laws.

For printing the pamphlet edition of the general acts and resolves of the present year, a sum not exceeding one thousand dollars in addition to the amount heretofore appropriated.

Provincial laws.

For continuing the publication of the provincial laws, as authorized by chapter eighty-seven of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding nine thousand dollars; and the unexpended balance of the appropriation heretofore made in said resolve, is hereby renewed for the same purpose.

Compensation and salary of state police.

For the compensation, travelling, incidental and contingent expenses of the state police, a sum not exceeding seventy-five thousand dollars, in addition to the amounts heretofore appropriated for the present year; and so much of chapter three hundred and thirty-eight of the acts of the year eighteen hundred and sixty-eight, as provides that "no member of the state police shall be entitled to receive any fees for travel or attendance as a witness, but all fees earned by the police force shall be paid to the treasurers of the several counties," is hereby repealed.

For the salary of the messenger of the secretary's department, the sum of two hundred dollars, in addition to the sum heretofore appropriated, and the salary of said officer is hereby established at twelve hundred dollars.

Messenger secretary of state.

For the salary of the messenger of the governor and council, the sum of two hundred dollars, in addition to the sum heretofore appropriated, and the salary of said officer is hereby established at twelve hundred dollars.

Messenger governor and council.

The following sums shall be allowed and paid, and the same are hereby appropriated :

In aid of the disabled soldiers' employment bureau, the sum of two thousand five hundred dollars.

Disabled soldiers' bureau.

For the compensation and expenses of the cattle commissioners appointed in the year eighteen hundred and sixty-eight, a sum not exceeding two thousand two hundred dollars.

Cattle commissioners.

The sum of one thousand four hundred and seventy-four dollars and forty-six cents, being the unexpended balance of the "paymaster's suspense account" heretofore held subject to the order of the governor for closing up unadjusted bounty claims, and for the temporary relief of disabled or needy soldiers or their families, and now deposited in the state treasury, is hereby re-appropriated to be paid upon the order of the governor, for the purposes aforesaid.

Paymaster's suspense account.

To Oliver S. Butler of Georgetown, sixty-five dollars for the benefit of the family of the late John G. Barnes, member elect of the legislature from the fifth Essex district.

John G. Barnes' family.

To George O. Phinney, father of William W. Phinney, deceased, and late a re-enlisted soldier in Co. K, fourth Massachusetts cavalry, the sum of three hundred and twenty-five dollars as a state bounty.

George O. Phinney.

To Edmund Bliss, of Ludlow, the sum of eight hundred dollars, in compensation for losses sustained by him in the discharge of his duty as a deputy state constable.

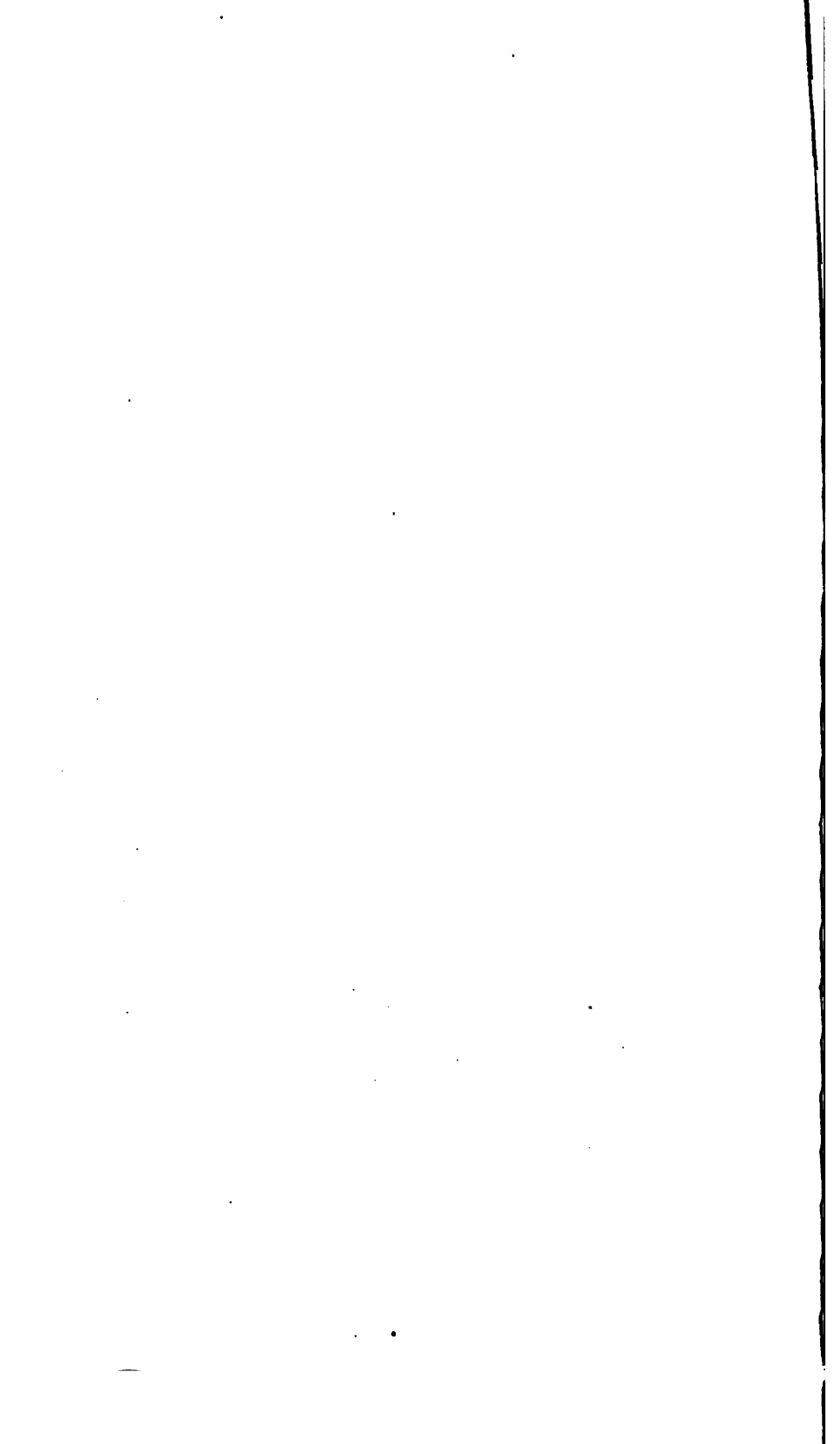
Edmund Bliss.

For necessary repairs and furniture in the alien passenger offices occupied by the board of state charities at number fifty-nine Long wharf, a sum not exceeding one thousand dollars.

Alien passenger office.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five hundred dollars, and for such additional clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding two thousand five hundred dollars, the same to be in addition to the amounts heretofore appropriated.

Board of state charities, clerical assistance.



RESOLVES,

GENERAL AND SPECIAL.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE. Chap. 1.

Resolved, That the treasurer and receiver-general be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rate of interest as shall be found necessary; and that he repay any sum he may borrow as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Treasurer may borrow money to meet ordinary demands upon treasury.

Approved January 28, 1860.

RESOLVE IN FAVOR OF THE FAMILY OF THE LATE HENRY VOSE.

Resolved, That there be allowed and paid to the family of the late Henry Vose, at the time of his death a justice of the superior court, the sum of one thousand dollars, for the salary to which he would have been entitled for the present quarter, if living.

Chap. 2.
Allowance of \$1,000 dollars to family of Henry Vose.

Approved February 9, 1860.

RESOLVE IN RELATION TO INSANE STATE PAUPERS.

Resolved, That there be allowed and paid to the several lunatic hospitals for the board of insane state paupers for the current year, a sum not exceeding three dollars and fifty cents per week, for each of said paupers.

Chap. 3.
Board of insane state paupers.

Approved February 18, 1860.

RESOLVE PROVIDING FOR THE PAYMENT OF SCHOOL MONEY BY THE TOWNS OF DORCHESTER, DEDHAM AND MILTON, TO THE TOWN OF HYDE PARK.

Resolved, That the treasurers of the towns of Dorchester, Dedham and Milton be, and the same hereby are, severally required to pay to the treasurer of the town of Hyde Park, out of their respective shares of the income of the Massachusetts school fund, payable upon the twenty-fifth day of January, in the year eighteen hundred and sixty-nine, the

Chap. 4.
Treasurers of Dorchester, Dedham and Milton to pay Hyde Park share of school fund.

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Treasurers of Dorchester, Dedham and Milton to pay Hyde Park share of school fund.

following sums of money, to wit: the town of Dedham fifty-six dollars and forty-four cents; the town of Dorchester forty-two dollars and forty-two cents; and the town of Milis thirty dollars and thirty cents. *Approved February 23, 1869.*

Chap. 5.

Allowance of
\$52.

RESOLVE IN FAVOR OF INCREASE N. EMERTON.

Resolved, For reasons set forth in the petition of Increase N. Emerton, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner the sum of fifty-two dollars. *Approved February 26, 1869.*

Chap. 6.

Annuity of \$100.

RESOLVE IN FAVOR OF JAMES F. HODGDON.

Resolved, That an annuity of one hundred dollars per annum shall be paid to James F. Hodgdon of Bradford, during his natural life, in consideration of his mutilation and sufferings during the late war. *Approved March 5, 1869.*

Chap. 7.

Bounty due
Robert G. Dun-
lap to be paid
for support of
Jerusha Dun-
lap.

RESOLVE FOR PAYMENT OF BOUNTY DUE ROBERT G. DUNLAP.

Resolved, That for reasons set forth in their petition, the commissioners on bounty claims are hereby authorized to allow and pay the balance of bounty, amounting to one hundred thirty-three dollars and thirty-three cents, due on account of the enlistment of Robert G. Dunlap, late of company H, twenty-fourth regiment of Massachusetts volunteer militia, to Fannie B. Stone, sister of said soldier, for the support of his mother, Jerusha Dunlap. *Approved March 5, 1869.*

Chap. 8.

Allowance of
\$3,840 for steam
boilers, &c.

RESOLVE CONCERNING IMPROVEMENTS AT THE STATE PRISON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the warden and inspectors of the state prison, the sum of thirty-eight hundred and forty dollars, to be expended under their direction, for new steam boilers, and for ventilating the cook-room of said prison. *Approved March 10, 1869.*

Chap. 9.

Allowance for
current expend-
es, and complet-
ing, &c., in-
firmary and
workshop.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Massachusetts School for Idiotic and Feeble-minded Youth, the further sum of seven thousand five hundred dollars, for the current expenses of said institution, subject to the conditions of chapter forty-four of the resolves of the year eighteen hundred and fifty-one, and chapter twenty-six of the resolves of the year eighteen hundred and sixty-one; and the sum of five thousand dollars for completing and furnishing the infirmary, workshop and other additional accommodations to said institution. *Approved March 10, 1869.*

RESOLVE IN FAVOR OF SYLVANUS VALLER.**Chap. 10.**

Resolved, For reasons set forth in the petition of Sylvanus Valler of Plymouth, that there be allowed and paid to him out of the treasury of the Commonwealth, the sum of one hundred dollars, for bounty unpaid to his minor son, David Valler, a member of the fifty-eighth regiment of Massachusetts volunteers, deceased in service.

Allowance of
\$100 for bounty.

Approved March 20, 1869.

RESOLVE IN FAVOR OF JOSEPH McDONALD.**Chap. 11.**

Resolved, That there be allowed and paid to Joseph McDonald of Hyde Park, out of the treasury of the Commonwealth, the sum of one hundred and forty dollars, for state aid; and that on and after the first day of March, eighteen hundred and sixty-nine, he, and those dependent on him for support, shall receive the same amount of state aid that he or they would have been entitled to receive had said McDonald been a resident of this Commonwealth at the time of the passage of the law to provide state aid for soldiers and sailors and their families, and for the families of the slain.

Allowance for
state aid.

Approved March 20, 1869.

RESOLVE IN FAVOR OF THE TRUSTEES UNDER THE WILL OF JOHN ASHTON.**Chap. 12.**

Resolved, For reasons set forth in her petition, that Sophia J. Ashton of Newton, and William Clafin, William Morton and David H. Mason, trustees under the will of John Ashton late of Newton, deceased, be and hereby are authorized to sell either by public auction or private sale, and by their joint deed to convey, either in fee simple or for a term of years, and without responsibility on the part of the purchaser or purchasers for the application of the purchase money, the whole or any part of the real estate devised in said will; and the proceeds of any such sale shall be safely invested and held by said trustees or their successors, and the income thereof paid by them to said Sophia G. Ashton so long as she would be entitled to the use and improvement of such real estate under the provisions of said will, then to be administered and disposed of according to law and the will of said John Ashton.

May convey cer-
tain real estate.

Approved March 20, 1869.

RESOLVE IN FAVOR OF ISAAC FLYE.**Chap. 13.**

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Isaac Flye, the sum of seventy-seven dollars.

Allowance of
\$77.

Approved March 20, 1869.

Chap. 14.

Allowance of
\$30.

RESOLVE IN FAVOR OF SEWALL A. FAUNCE.

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to pay to Sewall A. Faunce the amount of thirty dollars, the value of one coupon of Massachusetts bond number seven hundred and ninety-two, payable on the first day of September, eighteen hundred and sixty-seven, alleged to have been stolen in September of that year; said Faunce furnishing to said treasurer satisfactory security for the repayment of the above amount, upon demand of said treasurer, made at the request of any person establishing to the satisfaction of said treasurer a legal right to the same.

Approved March 20, 1869.

Chap. 15.

Allowance of
\$300 for milita-
ry services, &c.

RESOLVE IN FAVOR OF WILLIAM H. HOWARD.

Resolved, For reasons set forth in the petition of William H. Howard for assistance in consequence of services rendered and disabilities incurred during the war, and for services performed previous to the payment of state aid and bounties, there be allowed and paid to him out of the treasury of the Commonwealth, the sum of three hundred dollars.

Approved March 20, 1869.

Chap. 16.

Allowance for
state aid.

RESOLVE IN FAVOR OF SUSAN E. ALGER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Susan E. Alger of Worcester, the mother of Warren A. Alger, the sum of one hundred fifty-two dollars for state aid; and that on and after the first day of March, in the year one thousand eight hundred and sixty-nine, said Susan E. Alger shall receive the same amount of state aid that she would have been entitled to receive had her son died unmarried.

Approved March 20, 1869.

Chap. 17.

Commissioners
of school fund
may loan \$30-
000 for building,
&c., boarding-
houses at
Bridgewater
and Framing-
ham normal
schools.

RESOLVE RELATING TO THE ESTABLISHMENT OF BOARDING-HOUSES FOR THE STATE NORMAL SCHOOLS AT BRIDGEWATER AND FRAMINGHAM.

Resolved, That the commissioners of the Massachusetts school fund be, and they hereby are authorized and directed, with the approval of the governor and council, to loan from said fund to the board of education, a sum not exceeding fifteen thousand dollars, in trust, to be expended by said board in erecting or otherwise providing, and furnishing a boarding-house for the accommodation of the pupils of the Bridgewater state normal school; also, a further sum not exceeding fifteen thousand dollars, to be expended for the same purpose, and in like manner, by said board of education at the Framingham state normal school.

Said board of education shall collect from the occupants of the houses so provided, in addition to other charges, a sum sufficient to cover the interest, at six per cent. per annum, on the cost of the said buildings and furniture, and a reasonable insurance on the same, and shall pay over said interest money to the commissioners of the Massachusetts school fund semi-annually.

If said board of education shall fail to pay the interest of said sums, as aforesaid, then the commissioners shall have the power, and, with the approval of the governor and council, shall sell said boarding-houses, or either of them, with the appurtenances thereto belonging, and the furniture therein, and invest the proceeds of the same as provided by law.

Approved March 26, 1869.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Chap. 18.

Resolved, That the sum of five thousand dollars be allowed and paid from the treasury of the Commonwealth, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the trustees thereof, for the charitable purposes of said infirmary during the present year; and the said trustees shall furnish to the board of state charities a detailed account of the manner in which this appropriation has been expended, as soon as practicable.

Allowance of \$5,000.

Approved March 26, 1869.

RESOLVE IN FAVOR OF THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Chap. 19.

Resolved, That there be allowed and paid to the Perkins Institution and Massachusetts Asylum for the Blind, the sum of five thousand dollars, annually, in addition to the sums authorized by chapter fifty-six of the resolves of the year eighteen hundred and sixty-four, and chapter twelve of the resolves of the year eighteen hundred and sixty-eight, making the annual appropriation in favor of said institution for this year and hereafter thirty thousand dollars instead of twenty-five thousand dollars; the same to be subject to the conditions of chapter fifty-six of the resolves of the year eighteen hundred and sixty-four, and to supersede the appropriation made for this purpose in chapter twenty-seven of the acts of the present year.

Allowance of \$30,000 annually.

Approved March 26, 1869.

RESOLVE IN AID OF THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN.

Chap. 20.

Resolved, That there be allowed and paid to the New England Hospital for Women and Children, the sum of one thousand dollars to aid in defraying the expenses of indigent

Allowance of \$1,000.

Proviso.

patients in said institution: *provided*, the secretary and agent of the board of state charities shall have authority to visit said hospital for the examination of cases of pauperism, and the agent shall use all reasonable care to collect the cost of support in such cases from parties justly chargeable therewith, and to remove patients having no settlement in the Commonwealth; and *provided, also*, that an equal amount shall be raised from other sources for the purposes of the institution; and *provided, also*, that the managers of said hospital shall report to the board of state charities as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved, March 26, 1869.

Chap. 21. RESOLVE IN FAVOR OF THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN.

Allowance of
\$2,000.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars, to the Springfield Home for Friendless Women and Children: *provided*, that the said institution shall, during the current year, realize a like sum from private donations, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before said sum of two thousand dollars shall be paid from the treasury. The managers of said home shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved March 26, 1869.

Chap. 22.

RESOLVE IN FAVOR OF HENRY J. COOLIDGE.

Allowance of
\$300.

Resolved, For reasons set forth in the petition of Henry J. Coolidge, that there be allowed and paid to him out of the treasury of the Commonwealth, the sum of three hundred dollars as compensation for services in collecting and arranging a complete set of the acts and resolves of Massachusetts from the year seventeen hundred and seventy-five to the present date.

Approved March 26, 1869.

Chap. 23.

RESOLVE IN FAVOR OF THE FLORENCE SEWING MACHINE COMPANY.

Allowance of
\$1,046 tax over-
paid in error.

Resolved, For reasons presented in the petition of Sidney Strong, treasurer of the Florence Sewing Machine Company, that the sum of sixteen hundred and forty dollars be allowed and paid the said company, the same being the amount of tax overpaid in error by said company in the year eighteen hundred and sixty-eight, and so much thereof as may have been paid out of the treasury of the Commonwealth to any

ity or town, may be deducted and set off from and against any sum which may hereafter be due to such city or town on account of corporation taxes.

Approved March 26, 1869.

RESOLVE ON THE PETITION OF GEORGE L. SLEEPER.

Chap. 24.

Resolved, For reasons set forth in the petition of George A. Sleeper of Natick, in the county of Middlesex, as trustee under the will of Isaac Chandler, late of Hopkinton, in the county of Merrimack, and state of New Hampshire, deceased, and for the purpose of raising money to pay for and complete buildings now erected and in process of erection, and nearly completed, on the land herein described, the said trustee is hereby authorized and empowered to mortgage in such manner as he shall deem proper, except that he shall not give a power of sale mortgage, a certain parcel of land with the buildings erected and to be erected thereon, containing fifty-two thousand and ninety-eight feet, more or less, being a part of the trust property situated in the said town of Natick, and held by said George L. Sleeper as trustee under the will aforesaid; being the premises conveyed to said Chandler by Josiah F. Leech, deed dated November the first, eighteen hundred and forty-four, and recorded with Middlesex deeds, book four hundred and fifty-one, page two hundred and thirty, and by deed dated March the twenty-ninth, eighteen hundred and forty-five, recorded with Middlesex deeds, book four hundred and sixty-two, page three hundred and six; the said mortgage or mortgages, (in addition to the existing mortgage of six thousand dollars,) may be for a sum or sums not exceeding six thousand dollars. The said George L. Sleeper and his successors in trust may give a note or notes as trustee as aforesaid, but said trustee shall in no case be held liable to pay the said note or notes out of his own property, but only out of the above described real estate. The said Sleeper is hereby authorized to retain out of the income, sufficient sums to pay the interest on the said note or notes from time to time, and the cost of repairs, taxes, insurance, on the buildings erected on the said described land; and the said trustee shall deposit in a savings institution one hundred dollars in January and one hundred dollars in May of each year, to provide means for the payment of said note or notes; and the said Sleeper and his successors in trust are authorized to renew the said note or notes, and mortgage and mortgages, from time to time, until they are paid; and the said mortgages thus made, shall be good and valid conveyances in mortgage of the said estate, and shall be binding upon the said Sleeper as trustee as aforesaid, and

Trustee under will of Isaac Chandler may mortgage property.

Proviso.

upon his successors in trust, discharged from all taxes created by the said will of Isaac Chandler, by which the said Sleeper holds the estate: *provided, however,* that the said Sleeper as trustee as aforesaid, before executing a mortgage or mortgages herein authorized, shall give a bond to the judge of probate for the county of Suffolk, to be approved by the said judge, conditioned for the faithful performance of his duties, and the proper application of all sums of money received by him under this resolve; and a like bond shall be required of each of his successors in trust.

Approved March 26, 1869.

Chap. 25.

Allowance of
\$1,500.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of fifteen hundred dollars to the inspectors of the state almshouse at Tewksbury, to be expended for the purchase of engine-hose for the better protection of said almshouse from fire.

Approved April 1, 1869.

Chap. 26.

RESOLVE TO AUTHORIZE THE TOWN OF HAVERHILL TO PAY A SUM OF MONEY TO THE WIDOW OF JOSEPH BURNHAM.

May raise \$1,000
by tax or other-
wise.

Resolved, That the town of Haverhill is hereby authorized to raise by tax, or otherwise, the sum of one thousand dollars, and pay the same to the widow of the late Joseph Burnham, a police officer, killed while in the discharge of his duty.

Approved April 1, 1869.

Chap. 27.

Essex Bridge
fund to be di-
vided between
Salem and Bev-
erly.

RESOLVE RELATING TO THE ESSEX BRIDGE FUND.

Resolved, That the fund remaining in the treasury of the Commonwealth on account of Essex Bridge in the county of Essex, shall be paid over to the county commissioners of said county, and shall be by them divided between the city of Salem and the town of Beverly, in proportion as said city and town are and shall be liable for the expense of maintaining such bridge, (including the draw thereof,) as a highway, after all outstanding bills against said bridge have been paid.

Approved April 1, 1869.

Chap. 28.

Allowance of
\$2,500.

RESOLVE MAKING AN APPROPRIATION FOR FISH-CULTURE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, a sum not exceeding twenty-five hundred dollars, to be expended under direction of the commissioners appointed under chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six, for purposes connected with the culture of useful fishes and of stocking the waters of the Commonwealth therewith.

Approved April 10, 1869.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AND PRIMARY SCHOOL AT MONSON. *Chap. 29.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of four thousand five hundred dollars, to the inspectors of the state almshouse and primary school at Monson, to be expended for a new washing apparatus, and for the repairs of the stoves, furnaces, floors and eave-troughs, plastering and range, and for new furniture.

Allowance of \$4,500.

Approved April 18, 1869.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT BRIDGEWATER. *Chap. 30.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of fifteen hundred dollars to the inspectors of the state almshouse at Bridgewater, to be expended in the purchase of sewing machines and basket-making tools, repairs of floors, fences, woodshed, settees for chapel, books for the library, alterations of cellar and pump-house.

Allowance of \$1,500.

Approved April 18, 1869.

RESOLVE IN FAVOR OF CHARLES V. CLAY. *Chap. 31.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles V. Clay, the sum of one hundred and twelve dollars, balance due as state aid, to which he was entitled by reason of disabilities received while in the service of the United States in the late war.

Allowance of \$112 as state aid.

Approved April 22, 1869.

RESOLVE IN AID OF THE TEMPORARY ASYLUM FOR DISCHARGED FEMALE PRISONERS AT DEDHAM. *Chap. 32.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of twenty-five hundred dollars to the Temporary Asylum for Discharged Female Prisoners at Dedham: *provided*, that a like sum shall be realized during the current year by private donations, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before said sum of twenty-five hundred dollars shall be paid out of the treasury. The managers of said asylum shall report to the board of state charities an account of its receipts and expenditures for the current year, in accordance with the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Conditional allowance of \$2,500.

Proviso.

Approved April 22, 1869.

RESOLVE AUTHORIZING THE SALE OF CATTLE AND LAND BY THE TRUSTEES OF THE STATE INDUSTRIAL SCHOOL AT LANCASTER. *Chap. 33.*

Resolved, That the trustees of the state industrial school at Lancaster be and the same hereby are authorized to sell all the cattle belonging to said institution, and also such por-

Proceeds of sale of cattle, how to be applied.

tions of the land connected therewith as they may deem expedient; and from the proceeds of such sales the trustees are authorized to reserve a sum not exceeding three thousand dollars, to be expended for removal and repairs of the land and carriage-house and other buildings of the institution, and said trustees are directed to pay the balance of the proceeds into the treasury of the Commonwealth.

Approved April 22, 1869.

Chap. 34. RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE

Allowance of
\$50,000.

Resolved, That the sum of fifty thousand dollars be allowed and paid out of the treasury of the Commonwealth, to the Massachusetts Agricultural College, to be expended by the trustees of said college for the erection of buildings and for such other improvements as the wants of the institution demand.

Approved April 22, 1869.

Chap. 35.

County taxes.

RESOLVE GRANTING TAXES TO THE SEVERAL COUNTIES

Resolved, That the sums placed against the names of the several counties in the following schedule, be and are hereby granted as a tax for each county, respectively, to be collected and applied according to law, viz.:—

Barnstable, thirteen thousand dollars; Berkshire, thirty-five thousand dollars; Bristol, sixty thousand dollars; Essex, one hundred thousand dollars; Dukes, four thousand dollars; Franklin, twenty thousand dollars; Middlesex, one hundred and sixty thousand dollars; Hampshire, twenty-five thousand dollars; Hampden, thirty-six thousand five hundred dollars; Norfolk, sixty thousand dollars; Plymouth, forty thousand dollars; Worcester, one hundred thousand dollars.

Approved April 24, 1869.

Chap. 36. RESOLVE TO PROVIDE FOR THE BUILDING OF TWELVE DWELLING-HOUSES TO BE RENTED TO THE OFFICERS OF THE STATE PRISON

Dwelling-
houses to be
built for officers
of state prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding twenty-five thousand dollars, for the purpose of building twelve dwelling-houses to be rented to the officers of the state prison. The said houses to be built upon a lot of land owned by the state, bounded by Washington, Chapman and Richmond Streets, and considered within the precincts of the prison.

Rent, how to be
paid.

The governor and council shall cause the said houses to be built under their direction; shall fix the price of rent to be paid monthly to the warden, who shall pay the same to the treasurer of the Commonwealth; all payments for the construction of said houses to be made upon properly approved vouchers filed with the auditor.

Approved April 27, 1869.

RESOLVES CONCERNING A BUST OF HONORABLE CHARLES SUMNER.**Chap. 37.**

Thanks of legislature to donors of bust of Charles Sumner.

Resolved, That the legislature of Massachusetts, in behalf of the people of the Commonwealth, accept from A. A. Lawrence and others, the marble bust of Hon. Charles Sumner; and that the thanks of the legislature, in behalf of the people, be and the same are hereby tendered to said donors for the same.

Resolved, That the niche on the east side of Doric Hall be and hereby is appropriated for the reception of said bust.

Approved April 27, 1869.

RESOLVE IN FAVOR OF THE NEW ENGLAND MORAL REFORM SOCIETY.**Chap. 38.**

Conditional allowance of \$1,000.

Provisos.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the New England Moral Reform Society, the sum of one thousand dollars, for the use of said society for the current year: *provided*, that an equal amount shall be raised for the purposes of the society, from other sources, during the current year, a sworn statement of which shall be made to the auditor of the Commonwealth; and *provided, further*, that the board of state charities shall have power at all times to visit and inspect the institution, and the society shall make an annual report to the board of state charities in accordance with the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved April 27, 1869.

RESOLVE AUTHORIZING THE SALE OF RAYNSFORD ISLAND.**Chap. 39.**

Raynsford Island and yacht Thatcher to be sold.

Resolved, That his excellency the governor is hereby authorized to sell and convey, with the consent of the council, by a good and sufficient warranty deed, the island in Boston harbor called Raynsford Island, with all the buildings thereon, and pay the proceeds of the sale into the state treasury.

Resolved, That the board of state charities are hereby instructed to sell the yacht Thatcher at auction before the first day of June next, and pay the proceeds into the state treasury, and to take charge of all the personal property of the state on the island or belonging there, and either distribute it to the other charitable institutions supported by the state, or sell it, according to their discretion, and to pay the proceeds of any sale into the state treasury.

Approved April 27, 1869.

RESOLVE AUTHORIZING THE ISSUE OF ARMS TO THE ENGLISH HIGH AND LATIN SCHOOLS IN THE CITY OF BOSTON.**Chap. 40.**

Arms may be issued to Boston for use of English High and Latin Schools.

Resolved, That his excellency the governor be and is hereby authorized to issue to the city of Boston such arms for the use of the English High and Latin Schools in said city as,

in his judgment, may be so distributed without detriment to the militia service: *provided*, the city of Boston shall be responsible for the return in good order and condition of said arms whenever his excellency the governor shall direct.

Approved April 27, 1869.

Chap. 41.

May sell certain real estate.

RESOLVE ON THE PETITION OF HARRIET N. COLMAN AND ANOTHER.

Resolved, For reasons set forth in the petition of Harriet N. Colman, of Boston, and Julius A. Palmer, of Boxford, that said Harriet N. Colman, and said Julius A. Palmer, as he trustee for Jeremiah Bumstead, his wife and child, under the will of Josiah Bumstead, late of Boston, deceased, be, and each of them, said Harriet N. Colman and said Julius A. Palmer, is hereby authorized and empowered to sell, either at public or private sale, and to execute the necessary deeds or deeds to convey in fee simple to the purchaser or purchasers thereof, free and discharged from all incumbrances, trusts and remainders arising under or by virtue of the will of said Josiah Bumstead, one undivided fourth part which they respectively hold, in the real estate situated in State street in said Boston, and numbered one hundred and thirty, on said street, with all the privileges and appurtenances thereto belonging; and all the right, title, interest and estate of which said Josiah Bumstead died seized and possessed therein, and in and to the land under and adjoining the same, as described or referred to in the will of said Josiah Bumstead, the purchaser or purchasers thereof being in no way responsible for the application of the purchase money: *provided*, that such sales shall be made under and according to leave and order of the judge of the probate court for the county of Suffolk; and the proceeds of each of said sales, after paying out of the same one-fourth part of a mortgage existing on the whole of said estate, shall be placed in the hands of a trustee or trustees, to be invested, held, administered and disposed of according to law and said will; and said probate court is hereby authorized and empowered to give full effect to the provisions of this resolve.

Proviso.

Approved April 27, 1869.

Chap. 42.

Conditional allowance of \$2,000.

RESOLVE IN FAVOR OF THE HOUSE OF THE ANGEL GUARDIAN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, the sum of two thousand dollars to the trustees of "The House of the Angel Guardian," in Boston: *provided*, that a like sum of two thousand dollars shall be realized by said trustees from other sources, during the current year, a sworn certificate of which shall be deposited with the audi-

of the Commonwealth before the said sum of two thousand dollars shall be paid from the treasury. The trustees of said institution shall annually report to the board of state charities an account of their receipts and expenditures in accordance with the provisions of chapter two hundred and sixty-three of the acts of the year eighteen hundred and sixty-seven; and *provided, also*, that said board of state charities shall have the right at all times to visit and inspect said institution.

Approved April 30, 1869.

RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER-GENERAL TO PURCHASE ADDITIONAL SAFES.

Chap. 43.

Resolved, That the treasurer and receiver-general is hereby authorized to procure for the more safe keeping of the securities of the Commonwealth one or more burglar-proof safes.

Safes for the treasury.

Approved May 1, 1869.

RESOLVE IN FAVOR OF SARAH E. DRAPER.

Chap. 44.

Resolved, That for reasons set forth in the petition of Sarah E. Draper of Lynn, there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of three hundred and twenty dollars, for state aid, and that on and after the first day of May, in the year eighteen hundred and sixty-nine, said petitioner be taken and deemed to be entitled to receive the same amount of state aid that she would have been entitled to receive had her husband been credited to the quota of Massachusetts.

Allowance of \$320 as state aid.

Approved May 6, 1869.

RESOLVE ON THE PETITION OF WILLIAM H. AIKEN AND ANOTHER.

Chap. 45.

Resolved, That for reasons set forth in the petition of William H. Aiken and Thomas Dalton, treasurer, there be allowed and paid out of the treasury of the Commonwealth, to Zion's Methodist Episcopal Church Society of Boston, and to Nancy Aiken, wife of said William H. Aiken, the sum of one hundred and thirty-two dollars and sixty-seven cents, each; they first giving such good and sufficient bond of indemnity to the treasurer of the Commonwealth as he may require.

Allowance of \$132.67.

Approved May 6, 1869.

RESOLVE IN FAVOR OF WILLIAM M. PAYNE.

Chap. 46.

Resolved, That for reasons set forth in the petition of William M. Payne, there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and fifty dollars.

Allowance of \$150.

Approved May 6, 1869.

Chap. 47.

Allowance of
\$216 as state
aid.

RESOLVE IN FAVOR OF JOHN C. EDWARDS.

Resolved, For reasons set forth in his petition, that there be allowed and paid out of the treasury of the Commonwealth, as state aid, to John C. Edwards, the sum of two hundred and sixteen dollars.

Approved May 6, 1869.

Chap. 48.

Allowance of
\$138.67 as state
aid.

RESOLVE IN FAVOR OF JOHN McNAMARA.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to John McNamara of Boston, minor son of Michael McNamara, deceased, the sum of one hundred and thirty-eight dollars and sixty-seven cents, for state aid.

Approved May 6, 1869.

Chap. 49.

\$147 for state
aid.

RESOLVE IN FAVOR OF HARRIET A. ROCKWOOD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Harriet A. Rockwood of Boston, the sum of one hundred and forty-seven dollars, for state aid.

Approved May 6, 1869.

Chap. 50.

Allowance for
state aid.

RESOLVE IN FAVOR OF MARY KEEFE.

Resolved, That there be paid out of the treasury of the Commonwealth, to Mary Keefe of Boston, the sum of thirty-two dollars, for state aid, and that on and after the first day of May, in the year eighteen hundred and sixty-nine, said Mary Keefe be entitled to receive the same amount of state aid she would have been entitled to receive had she always resided in this state.

Approved May 6, 1869.

Chap. 51.

Allowance of
\$50.

RESOLVE IN FAVOR OF DEMETRIUS CRAMPTON.

Resolved, That for reasons set forth in the petition of Demetrius Crampton of Mattapoisett, there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty dollars.

Approved May 10, 1869.

Chap. 52.

Allowance for
state aid.

RESOLVE IN FAVOR OF JERUSHA DUNLAP.

Resolved, That for reasons set forth in the petition of Jerusha Dunlap, there be allowed and paid to her, the sum of one hundred and twelve dollars, and on and after the first day of May, eighteen hundred and sixty-nine, there be allowed and paid her the same state aid which she would have been entitled to receive had her son, Robert G. Dunlap, died in service.

Approved May 10, 1869.

Chap. 53.

Commissioners
to procure tes-
timonials for
soldiers and
sailors.

RESOLVE TO PROVIDE FOR TESTIMONIALS TO SOLDIERS AND SAILORS.

Resolved, That the governor appoint three suitable persons, who, together with the lieutenant-governor and the adjutant-general, shall be commissioners, without pay, to

ause to be engraved and printed a suitable testimonial for each officer, soldier or sailor who served on the quota of Massachusetts during the war of the rebellion, and was honorably discharged from, or died in the service; and that the adjutant-general deliver such testimonials, on application, to such persons as he may deem entitled to receive the same.

Approved May 10, 1869.

RESOLVE IN FAVOR OF F. WILHELMINE DIERSCH.

Chap. 54.

Allowance for state aid.

Resolved, That for reasons set forth in the petition of F. Wilhelmine Diersch, there be allowed and paid her the sum of thirty-two dollars, and that she be entitled, on and after the first day of May, in the year eighteen hundred and sixty-nine, to receive the same amount of state aid that she would have been entitled to receive had she been a resident of the state at the time of the passage of the law granting state aid.

Approved May 10, 1869.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Chap. 55.

Allowance of \$6,000.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates, and means for reforming them, the sum of six thousand dollars; the directors shall report to the board of state charities, as required by law, a detailed account of the amount contributed by individuals, the total income and expenses of the institution, the number of patients admitted, the average time each remains, the average cost per week of each, the number that pay or contribute towards the expenses of the institution, the amount each pays per week, and the result of their treatment, so far as can be ascertained.

Report to be made to board of state charities.

Approved May 10, 1869.

RESOLVE TO CONFIRM THE CONVEYANCE OF LANDS OF THE ESTATE OF SAMUEL P. POOR.

Chap. 56

Resolved, That the several conveyances of lands made by Mercy E. Poor, administratrix of the estate of Samuel P. Poor, late of Beverly, deceased, under a license of the probate court for the county of Essex, on the first Tuesday in June, in the year eighteen hundred and fifty-eight, shall be valid to pass an estate in fee simple, in and to the lands therein described.

Conveyance of lands confirmed.

Approved May 10, 1869.

RESOLVE IN FAVOR OF THE WORCESTER COUNTY FREE INSTITUTE OF INDUSTRIAL SCIENCE.

Chap. 57.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of fifty thousand

Allowance of \$50,000.

State scholar-
ships.

dollars to the Worcester County Free Institute of Industrial Science. And in consideration of this grant, said institute shall annually receive twenty pupils and instruct them during the entire course free of tuition; such pupils to be selected by the board of education from the different counties in the Commonwealth, except that none shall be taken from Worcester county.

Approved May 10, 1869.

Chap. 58. RESOLVE IN ADDITION TO A RESOLVE ON THE PETITION OF GEORGE L. SLEEPER.

Trustee under
will of Isaac
Chandler.

Resolved, That the authority conferred upon George L. Sleeper of Natick, trustee under the will of Isaac Chandler by chapter twenty-four of the resolves of the present year, is hereby conferred upon his successor or successors in said trust; and that the deposit to be paid in May in each year, as provided in said resolve, shall be paid in July in each year.

Approved May 12, 1869.

Chap. 59.

Allowance for
state aid.

RESOLVE IN FAVOR OF MARY A. BOYNTON.

Resolved, That for reasons set forth in the petition of Mary A. Boynton of Lowell, there be allowed and paid her out of the treasury of the Commonwealth, the sum of thirty-two dollars, and that from and after the first day of May, in the year eighteen hundred and sixty-nine, there be allowed and paid her the same state aid she would have been entitled to, had the name of her husband, James W. Boynton, been borne upon the rolls, as a part of the quota of the Commonwealth.

Approved May 15, 1869.

Chap. 60.

Allowance to
wife of John
Sanford.

RESOLVE IN FAVOR OF MARIA J. SANFORD.

Resolved, For reasons set forth in the petition of John Sanford, that there be allowed and paid out of the treasury of the Commonwealth, to Maria J. Sanford, wife of said John Sanford, the sum of sixteen dollars, and that she be entitled, from and after the first day of May, in the year eighteen hundred sixty-nine, to receive the same amount she would have been entitled to had she been married to the said Sanford previous to his discharge from the service.

Approved May 15, 1869.

Chap. 61. RESOLVE AUTHORIZING THE GOVERNOR AND COUNCIL TO GRANT TEMPORARY PERMITS FOR THE OCCUPATION OF VACANT LANDS IN THE BACK BAY.

Commonwealth
lands in Back
Bay may be
occupied for
purposes of
musical festival.

Resolved, That the governor, with the consent of the council, is hereby authorized to grant permits for the occupation of vacant lands belonging to the Commonwealth, in the Back Bay, for purposes incident to the forthcoming musical festival, for a period of three months from the date

of the passage of this resolve, on such terms and under such restrictions as he may deem proper.

Approved May 19, 1869.

RESOLVE IN RELATION TO THE INMATES OF THE DISCHARGED SOLDIERS' HOME.

Chap. 62.

Resolved, That the surgeon-general be authorized and directed to transfer to the National Military Asylum for Disabled Volunteer Soldiers at Togus Springs, such of the inmates of the Discharged Soldiers' Home in Springfield Street, in the city of Boston, and such other discharged soldiers as can be safely and humanely thus transferred; and that he be authorized to make provision for the care of such of the inmates as are in his judgment proper objects of the charity of the state, in the Massachusetts General Hospital, or elsewhere; and that there be allowed and paid to the surgeon-general a sum not exceeding five thousand dollars, and the same is hereby appropriated, and said amount shall be paid to him from time to time, in such sums as he shall certify to the governor and council to be needed for the above purposes: *provided*, that the surgeon-general shall make a quarter-yearly report of his doings and expenditures under this resolve to the board of state charities; and *provided*, also, that no inmate who has served in a Massachusetts regiment shall be sent out of the state without his consent, but that all who so desire, shall be supported within the limits of this Commonwealth.

Inmates of Discharged Soldiers' Home to be sent to National Asylum at Togus Springs.

Provisos.

Approved May 22, 1869.

RESOLVE IN FAVOR OF NANCY MAIN.

Chap. 63.

Resolved, That any sum of money now due as bounty to James A. Main, late a sergeant in company A, of the thirty-first Massachusetts regiment, be paid to Nancy Main, mother of said James A. Main.

Bounty of James A. Main to be paid to his mother.

Approved May 26, 1869.

RESOLVE IN FAVOR OF ABIAH THOMAS.

Chap. 64.

Resolved, That there be allowed and paid to Abiah Thomas of New Bedford, the sum of one hundred and thirty-five dollars and seventy-five cents, as compensation for the support, nursing, care and burial expenses of Jemima Easton, an Indian woman of the Deep Bottom tribe.

Allowance of \$135.75 for support of an Indian.

Approved May 26, 1869.

RESOLVE TO AUTHORIZE THE TRUSTEES OF THE BERKSHIRE MEDICAL INSTITUTION TO SELL CERTAIN REAL AND PERSONAL ESTATE, AND FOR OTHER PURPOSES.

Chap. 65.

Resolved, That the trustees of the Berkshire Medical Institution be and they hereby are authorized to sell and convey the real and personal estate of said institution, and after

Trustees may sell real and personal estate, pay debts, hold balance of pro-

ceeds in trust,
&c.

paying its debts, to hold the remaining proceeds of such sale in trust, and pay the income thereof in equal shares to the Pittsfield Athenæum, formerly the Pittsfield Library Association, and the Pittsfield Young Men's Association, until the incorporation and establishment, in Pittsfield, of the institution for literary, scientific and educational purposes contemplated in the deed of trust, under which the donations heretofore made by the late Calvin Martin and Thomas F. Plunkett and Thomas Allen are now held, and upon the incorporation and establishment of such institution, to pay over and transfer the principal of said fund to said contemplated institution for its use: *provided*, that the trustees of said Berkshire Medical Institution may, instead of selling the personal property of said medical institution, place any portion of the same in the custody of the said Pittsfield Young Men's Association, or the Pittsfield Athenæum, until the incorporation and establishment of said contemplated institution, to be then surrendered to said last named institution.

Proviso.

Approved May 26, 1869.

Chap. 66.

Allowance of
\$10,000.

RESOLVE IN AID OF NEW SALEM ACADEMY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the New Salem Academy, for the purposes of the institution, the sum of ten thousand dollars, five thousand dollars to be paid on the order of the trustees, and the remaining five thousand when evidence shall be furnished to the satisfaction of the governor and council, that the sum of five thousand dollars has been raised by private subscription and paid to said trustees in aid of said academy.

Approved May 28, 1869.

Chap. 67.

RESOLVES AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTIES OF FRANKLIN AND BERKSHIRE TO LAY OUT A ROAD OR ROADS OVER CERTAIN LANDS AND A BRIDGE BELONGING TO THE COMMONWEALTH.

May lay out and
construct highway
and bridge
over lands of
Commonwealth.

Resolved, That the county commissioners of the counties of Franklin and Berkshire be, and they are hereby authorized to lay out and construct a highway over and across the bridge and lands of the Commonwealth situate between the Rice Tavern, so called, in the town of Florida, and the railroad station grounds in the town of Rowe.

Resolved, That the county commissioners of the county of Berkshire be and they are hereby authorized to lay out and construct a highway over and across the lands of the Commonwealth situate in the town of Florida, at or near the east end of the Hoosac tunnel: *provided*, that any location

Proviso.

or construction of a road or roads under these resolves shall be acceptable to the governor and council.

Chapter fifty-one of the resolves of the year eighteen hundred and sixty-eight is hereby repealed.

Approved May 28, 1869.

RESOLVE CONCERNING THE STATE LIBRARY.

Chap. 68.

Resolved, That a sum not exceeding fifteen hundred dollars be allowed and paid out of the treasury of the Commonwealth, to defray the expense of providing additional accommodations for books in the state library, and for the storage of duplicate volumes in some suitable place within the state house; and that the sum of two hundred dollars per annum, in addition to the amount now authorized, be allowed and paid for assistance and incidental expenses in the library; said sums to be expended under the direction of the trustees and librarian.

Additional accommodation for books.

Allowance for assistance and incidental expenses.

Approved June 2, 1869.

RESOLVE IN FAVOR OF THE HEIRS OF JOHN ATKINSON.

Chap. 69.

Resolved, That for the reason set forth in the petition of Oscar Edwards and another, Samuel L. Parsons, public administrator for the county of Hampshire, upon the final settlement of the account of his administration of the estate of Ellen Atkinson, widow of John Atkinson, late of Northampton, and in default of lawful kindred of said Ellen who may be entitled to her estate, is hereby authorized to pay over and deliver to the administrator of said John Atkinson any balance of assets or estate of said Ellen remaining undisposed of in the hands of said public administrator, to the intent that upon such further inquiry or order as the judge of probate for said county may make in the premises, the said estate, or assets, may after six years from such final settlement and not before, be distributed among the next of kin of said John Atkinson, or other lawful claimants of his estate; but nothing herein contained shall prevent the next of kin and heirs of said Ellen Atkinson, if any such shall be discovered, from making good their claim to her estate in the hands of the administrator of said John Atkinson, in like manner and as fully as they might do had the said estate remained in the hands of said public administrator, or been deposited and remained with the treasurer of the Commonwealth. Any claim of the Commonwealth to any part of the estate of said Ellen Atkinson by escheat or otherwise is hereby waived, and released to the heirs of said John Atkinson.

Samuel L. Parsons, public administrator, may pay over to administrator of Ellen Atkinson balance of her estate.

Approved June 8, 1869.

Chap. 70. RESOLVE ON THE PETITION OF THE ASSABET MANUFACTURING COMPANY.

Conveyance by
Joshua D. Ball,
administrator,
confirmed and
made valid.

Resolved, For the reasons set forth in the petition of the Assabet Manufacturing Company, that the conveyance dated on the twenty-first day of June, eighteen hundred and sixty-six, and recorded in the registry of deeds for the southern district of Middlesex County, in book nine hundred and eighty-two, page five hundred and one, made by Joshua D. Ball, administrator, with the will annexed, of the estate of Leonard Jarvis, in Massachusetts, to said Assabet Manufacturing Company, of the real estate, rights and property situated in Sudbury, in said county of Middlesex, in said conveyance described, be and the same is hereby fully ratified, confirmed and established, and made valid, sufficient and effectual in all respects to convey in fee to said Assabet Manufacturing Company the real estate and rights therein described, and the title of said Assabet Manufacturing Company under said conveyance to said real estate and rights is hereby made, declared and established valid and effectual in fee to all intents and purposes: *provided*, that the said Ball, administrator as aforesaid, shall give bond with sufficient surety or sureties to the judge of the probate court for said county of Middlesex, and to be approved by such judge, conditioned that the proceeds which have been received by said Ball, administrator as aforesaid, from the sale to said company of said real estate and rights, shall either by said Ball be paid over to the same persons who would have been entitled to said real estate and rights, and in the same proportions, to the same extent and in the same way that they would have been entitled thereto, had said conveyance not been made, or shall, if said judge so orders, be transmitted by said Ball to the executor of the last will and testament of said Jarvis, in Maryland, for the purpose of being by such executor paid over as aforesaid.

Proviso.

Approved June 8, 1869.

Chap. 71. RESOLVE MAKING AN APPROPRIATION FOR THE ERECTION OF BUILDINGS FOR THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Allowance of
\$80,000 for erec-
tion of build-
ings.

Resolved, That there be allowed and paid to the trustees of the Perkins Institution and Massachusetts Asylum for the Blind, the sum of eighty thousand dollars, and the same is hereby appropriated, for the purpose of erecting suitable buildings for the use of the institution, the same to be paid from time to time in instalments, as may be certified to be necessary by the trustees: *provided*, that no portion of the said sum shall be paid, until the said trustees shall have

Proviso.

veyed to the Commonwealth by a good and sufficient d, and free from all incumbrances, the land on which the ldings to be erected shall stand, and so much adjacent reto as the governor and council shall require; and until plans for said buildings and the estimates therefor shall ve been approved by the governor and council.

Approved June 9, 1869.

SOLVE IN ADDITION TO A RESOLVE IN FAVOR OF THE WORCESTER COUNTY FREE INSTITUTE OF INDUSTRIAL SCIENCE.

Chap. 72.

Resolved, That the resolve in favor of the Worcester untly Free Institute of Industrial Science, approved on the ith day of May of the present year, shall not be construed require said institution to retain and instruct, free of ition, at any one time, more than twenty pupils, to be lected by the board of education.

Not more than twenty pupils to be selected by board of education.

Approved June 9, 1869.

RESOLVE IN FAVOR OF FRANCES E. COGGIN.

Chap. 73.

Resolved, That there be allowed and paid out of the easury of the Commonwealth, to Frances E. Coggin, widow Charles H. Coggin, of company H, thirteenth regiment Massachusetts infantry, the sum of one hundred and rty-four dollars, for back state aid, and that from and after e first day of January, in the year eighteen hundred and xty-nine, she be entitled to receive the same amount of ate aid that she would have been entitled to receive, had e made application therefor within the time prescribed by W.

Allowance for state aid.

Approved June 9, 1869.

RESOLVE TO AUTHORIZE THE SALE OF CERTAIN LAND, BELONGING TO THE COMMONWEALTH, IN FRAMINGHAM.

Chap. 74.

Resolved, That the treasurer and receiver-general of the ommonwealth, with the consent of the governor and ouncil, and upon such conditions as they may determine, is hereby authorized to sell and convey so much of the land of he Commonwealth, in the town of Framingham, as is situate n the west side of Normal Street; and that the board of ducation is hereby authorized to expend the proceeds of aid sale in the purchase of other land, to be used, in con- ection with the Framingham state normal school, for the purposes provided for by the seventeenth chapter of the esolves of the present year.

Land may be sold in Framingham and proceeds applied to purchase of other land.

Approved June 9, 1869.

RESOLVE IN FAVOR OF LOUIS LEO.

Chap. 75.

Resolved, For reasons set forth in his petition, that there be allowed and paid to Louis Leo, the sum of one hundred and thirty-eight dollars; and that, after the first day of June, in the year eighteen hundred and sixty-nine, there be

Allowance for state aid.

allowed and paid to said Louis Leo the same amount of state aid that he would be entitled to if he was in receipt of a full pension from the United States. *Approved June 9, 1869.*

Chap. 76. RESOLVE IN RELATION TO THE STREET KNOWN AS THE CROSS DAM, IN THE CITY OF BOSTON.

* Attorney-general to report concerning cross dam in Suffolk County.

Resolved, That the attorney-general of the Commonwealth examine and report to the next legislature what rights, if any, the Commonwealth and any other parties have in and to the cross dam, so called, in the county of Suffolk, and what are the liabilities of the Commonwealth on account of the same. *Approved June 9, 1869.*

Chap. 77. RESOLVE TO CONFIRM THE ELECTION OF TRUSTEES OF THE SINKING FUND OF THE PLYMOUTH WATER SCRIP.

Election confirmed.

Resolved, That the action of the inhabitants of the town of Plymouth, at their meeting on the fifth day of April last, in the election of Allen Danforth, William H. Nelson and William T. Davis, as trustees of the sinking fund of the Plymouth water scrip, be and the same is hereby ratified and confirmed, and made valid and legal to the same extent as though said trustees had been elected under the provisions of the two hundred and fifty-seventh chapter of the acts of the present year. *Approved June 12, 1869.*

Chap. 78. RESOLVE MAKING ADDITIONAL PROVISION FOR THE ESTABLISHMENT OF BOARDING-HOUSES FOR THE STATE NORMAL SCHOOLS AT BRIDGEWATER AND FRAMINGHAM.

Commissioners of school fund may loan money to board of education.

Resolved, That the commissioners of the Massachusetts school fund be, and they are hereby authorized and directed, with the approval of the governor and council, to loan from said fund to the board of education, in addition to the sums named in the seventeenth chapter of the resolves of the present session, a sum not exceeding ten thousand dollars, for providing and furnishing a boarding-house for the state normal school at Bridgewater; and a sum not exceeding five thousand dollars for a like purpose at the Framingham normal school; said loans to be made upon the terms and conditions expressed in said resolve, chapter seventeen of the present session. *Approved June 12, 1869.*

Chap. 79. RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF CERTAIN PERSONS.

Allowance for certain Punkapog Indians.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Punkapog tribe of Indians, for the benefit of the following members of said tribe, the following sums, to wit: for Sally Burr, of Cambridge, the sum of one hundred dollars; for Sally Burr,

Boston, and her son James Burr, the sum of one hundred and fifty dollars; for Polly Crowd, the sum of one hundred dollars; for Rebecca Davis, of Boston, the sum of one hundred dollars; for Charlotte E. Myers, the sum of one hundred and fifty dollars.

Approved June 12, 1869.

RESOLVE RELATING TO PROVISION FOR FREE INSTRUCTION IN MECHANICAL DRAWING IN THE CITIES AND LARGE TOWNS OF THE COMMONWEALTH.

Chap. 80.

Resolved, That the board of education be directed to consider the expediency of making provision by law for giving free instruction to men, women and children in mechanical drawing, either in the existing schools, or in those to be established for that purpose in all towns in the Commonwealth having more than five thousand inhabitants, and report a definite plan therefor to the next general court.

Plan to be reported for free instruction in mechanical drawing.

Approved June 12, 1869.

RESOLVE IN FAVOR OF WILLIAM W. SHEPARD.

Chap. 81.

Resolved, That for reasons set forth in his petition, there be allowed and paid to William W. Shepard of Westfield, the sum of one hundred dollars, to be paid him by the treasurer of said town of Westfield out of the amount refunded to said town by the treasurer of Hampden county, under the provisions of chapter two hundred and fifty of the acts of eighteen hundred and sixty-nine, anything in the provisions of said act to the contrary notwithstanding.

Treasurer of Westfield to pay \$100 to William W. Shepard.

Approved June 12, 1869.

RESOLVE IN FAVOR OF HANNAH J. ABBOT.

Chap. 82.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Hannah J. Abbot of Melrose, the widow of George W. Abbot, the sum of one hundred and thirty-eight dollars for state aid, and that from and after the first day of June, in the year one thousand eight hundred and sixty-nine, she be entitled to receive the same amount of state aid that she would have been entitled to receive if she had been a resident of the state at the time of the passage of the act granting state aid.

Allowance for state aid.

Approved June 12, 1869.

RESOLVE IN FAVOR OF LEWIS A. HORTON.

Chap. 83.

Resolved, That an annuity of one hundred dollars be paid to Lewis A. Horton, of Newburyport, during his natural life, in consideration of his mutilation and sufferings during the late war.

Annuity of \$100.

Approved June 12, 1869.

Chap. 84.

Allowance for
state aid.

RESOLVE IN FAVOR OF JAMES H. WILSON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to James H. Wilson, the sum of twenty-four dollars, for state aid; and that on and after the first day of May, in the year eighteen hundred and sixty-nine, he be entitled to receive the same amount of state aid that he would have been entitled to receive had he been a resident of the state at the time of the passage of the law granting state aid.

Approved June 12, 1869.

Chap. 85.

Allowance for
state aid.

RESOLVE IN FAVOR OF JOHN BAILEY.

Resolved, That for reasons set forth in the petition of John Bailey, there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of fifty-four dollars for state aid.

Approved June 12, 1869.

Chap. 86.

Allowance for
state aid.

RESOLVE IN FAVOR OF MARY FARRELL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Mary Farrell, the sum of twenty-four dollars, and that after July first, eighteen hundred and sixty-nine, she be deemed and entitled to state aid, the same as she would have been had her son Richard J. Farrell been accounted on the quota of this state.

Approved June 12, 1869.

Chap. 87.

Premiums for
treatises on
science of road-
making.

RESOLVE CONCERNING THE CONSTRUCTION AND REPAIR OF ROADS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of four hundred dollars, to be expended under the direction of the board of agriculture in the payment of one or more premiums for the best treatise or treatises, containing not more than two hundred pages, duodecimo, respectively, upon the science of road-making, and the best methods of superintending the construction and repair of public roads in this Commonwealth; and that said board are also authorized to cause to be printed for the use of the next legislature three thousand copies of the treatise receiving the highest premium under this resolve, if they shall deem such publication expedient.

Approved June 12, 1869.

Chap. 88.

Allowance for
schools, &c., for
Chappequiddie
and Christian-
town Indians.

RESOLVE IN FAVOR OF THE CHAPPEQUIDDIE AND CHRISTIANTOWN INDIANS.

Resolved, That for reasons set forth in the petition of Barnard C. Marchant, guardian of the Christiantown and Chappequiddie tribes of Indians, there be allowed and paid out of the treasury of the Commonwealth, to said guardian, thirty dollars to be paid to John Pierce for medical attendance upon William Matthews, a member of said Chappequid-

tribe of Indians, and to the treasurer of the town of Tisbury, the sum of two hundred dollars, or so much thereof may be necessary for the support of certain members of Christiantown tribe mentioned in said petition; also,

there be allowed and paid out of the moiety of the one of the school fund applicable to educational purposes, to the treasurer of the town of Edgartown, the sum of sixty dollars, for the support of schools among the Chappaquiddick Indians, and the sum of forty-four dollars, to the treasurer of the town of Tisbury, for the support of schools among Christiantown Indians, the same to be expended under the direction of the school committees of said towns respectively; and the school committee of each town shall, on or before the first day of October next, report to the board of education, in relation to the expenditure of said money and condition of the schools.

Approved June 21, 1869.

RESOLVE IN FAVOR OF OWEN McDONNELL.

Resolved, On the petition of Owen McDonnell, for compensation for injuries received in the Hoosac tunnel, that there be allowed and paid out of the treasury of the Commonwealth, to the said Owen McDonnell, the sum of two hundred dollars.

Approved June 21, 1869.

Chap. 89.

Allowance of \$200.

RESOLVE CONFIRMING A CERTAIN DEED OF JEREMY DRAKE.

Resolved, That for the reasons set forth in the petition of Jeremy Drake, a certain deed made by him, dated the tenth day of June, in the year eighteen hundred and sixty-nine, and recorded in the registry of deeds for the county of Suffolk, is hereby confirmed and shall be a full and valid discharge of all the right, title and interest which said Drake, or his wife, Eunice Drake, deceased, or her heirs or assigns, may have had in the premises described in a certain mortgage given by Aaron Hale to said Eunice Drake, in her maiden name of Eunice Dean, and to one Sophia Dean, dated the twenty-fourth day of January, in the year eighteen hundred and thirty-three, and recorded in said registry, per three hundred and sixty-five, folio two hundred and twenty-three.

Approved June 21, 1869.

Chap. 90.

Deed of Jeremy Drake confirmed.

RESOLVE IN RELATION TO THE PUBLICATION OF THE LAWS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE.

Resolved, That there be printed five hundred copies of the volumes of acts and resolves of the legislature of the current year, in addition to the number of such volumes provided for in section one of chapter sixty-five of the acts of the year eighteen hundred and sixty-six.

Approved June 21, 1869.

Chap. 91.

Additional number of copies of laws to be printed.

Chap. 92. RESOLVES IN FAVOR OF SCHOOLS AMONG THE INDIANS OF GAY

Allowance of
\$150.

Resolved, That there be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, to the treasurer of the Gay Head the sum of one hundred and fifty dollars, to be applied to the support of schools among the Indians of said district, and said treasurer shall, on or before the first day of October next, make a report of the expenditure of said money and the condition of the schools.

Allowance of
\$600.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Richard L. Pease, a sum not exceeding six hundred dollars, for expenses incurred by the commissioner to establish boundary lines in the district of Gay Head, and the governor is hereby authorized to issue his warrant for such sum as shall be required, not exceeding the amount aforesaid.

Approved June 21, 1869.

Chap. 93. RESOLVE IN RELATION TO THE VENTILATION OF COMMITTEE ROOMS IN THE STATE HOUSE.

Expense of ventilation not to exceed \$5,000.

Resolved, That the sergeant-at-arms, under the direction of the chairmen, on the part of the senate and house of representatives, of the committee on the state house, be authorized and directed to cause the committee rooms now in use to be ventilated, in accordance with the plan proposed by J. H. Shedd, civil engineer: *provided*, that the expense shall not exceed the sum of five thousand dollars.

Proviso.

Approved June 21, 1869.

Chap. 94.

Allowance for state aid.

RESOLVE IN FAVOR OF GRACE C. LOWE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of forty-eight dollars, to Grace C. Lowe, and that from and after July first, eighteen hundred and sixty-nine, she receive the same amount of state aid which she would have been entitled to had she been born while her father was in the military service of the country.

Approved June 21, 1869.

Chap. 95. RESOLVE TO AUTHORIZE THE APPOINTMENT OF COMMISSIONERS TO CONSIDER THE EXPEDIENCY OF ESTABLISHING AN INEBRIATE ASYLUM.

Three commissioners to be appointed, to serve without compensation.

Resolved, That the governor, with the advice and consent of the council, be and hereby is authorized to appoint three commissioners to consider the expediency of establishing an asylum for inebriates, and also to consider the proposals made to the present legislature, by the trustees of the Washingtonian Home, and report on the whole subject to the governor and council for the benefit of the next legislature: said commissioners shall not be entitled to any compensation for personal services.

Approved June 21, 1869.

ARTICLE FIXING THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, THE CHAPLAINS, THE MEMBERS OF THE EXECUTIVE COUNCIL, AND OF THE ASSISTANT-CLERKS OF THE LEGISLATURE.

Chap. 96.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to each of the members of the senate and house of representatives, the sum of five dollars per day, for each day's attendance during the session; to the assistant-clerk of the senate and the assistant-clerk of the house of representatives, each, the sum of nine hundred dollars for their services at the present session of the legislature; to the chaplains of the two branches, four hundred dollars each for the session; to the lieutenant-governor, the sum of ten dollars, and to each member of the executive council the sum of five dollars per day, for each day's attendance the present year. To the clerks of the senate, and the house of representatives, for additional clerical services in preparing the copy of the journals of the two houses for printing, the sum of two hundred dollars each.

Pay of members and officers of the legislature.

Approved June 22, 1869.

RESOLVE IN FAVOR OF DANIEL LORDON AND OTHERS.

Chap. 97.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth in full compensation for work done and materials furnished upon the state house, the following sums, to wit: To Daniel Lordon, sixty-four dollars; to Patrick Whelan, forty-seven dollars; to James Donovan, twelve dollars; to Thomas Collins, twenty-two dollars; to Patrick Clancy, thirty-seven dollars; to John Purcell, thirty-two dollars; to Daniel Shea, forty-two dollars; to Patrick Connors, seventeen dollars; to Dennis Sullivan, twenty-two dollars; to Daniel Heffron, twenty-seven dollars; to Cornelius Sugrue, twenty-five dollars; to John Sullivan, twelve dollars; to Morris Kenney, six dollars; to Daniel Shea, junior, thirty-three dollars; to Walter Madigan, two hundred and two dollars; to Lyman Locke, seventy-seven dollars; to William C. Dromey, sixty-one dollars; to J. E. Merritt, fifty-eight dollars; to Timothy Crowley, sixteen dollars; to Patrick Kelleher, twelve dollars; to Timothy Hourihan, twenty-one dollars and fifty cents; to Jeremiah Shea, twenty-one dollars; to George Drinan, thirty-three dollars; to John Lynch, twelve dollars; to Patrick Kane, twenty-six dollars; to John Kenney, thirty-three dollars; to Dennis Donovan, twenty-seven dollars; to Charles A. Bicknell, one hundred and forty-one dollars; to George B. Bicknell, one hundred and sixty-six dollars; to John Flynn, one hundred and ten dollars and fifty cents; to J. S. Cushman, fifteen

Allowances for work done and materials furnished upon the state house.

dollars ; to John O'Brien, thirty-three dollars ; to Zachary Crooker, sixty-seven dollars ; to Maurice Bresnahan, hundred and eight dollars and twenty cents ; to Horace Duncklee, surviving partner of the firm of Pond and Duncklee, twelve hundred and forty-eight dollars ; to Nathaniel F. Man, sixteen hundred and ninety-eight dollars and sixty cents ; to Martin Hayes, two thousand nine hundred and eighty dollars ; to William Adams, five hundred and twelve dollars and eighty cents ; to George W. Johnson, twelve hundred and eighty-eight dollars and fifty cents ; and to Charles Brooks, nine hundred and six dollars and eighty-three cents, including one year's interest upon the amount of his bill.

Approved June 22, 1869.

Chap. 98. RESOLVES IN RELATION TO THE REPUBLICATION OF THE REPORT OF THE COMMISSIONER OF THE INVERTEBRATE ANIMALS OF MASSACHUSETTS.

Allowance not exceeding \$7,000.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, an amount not exceeding seven thousand dollars, in addition to the sums appropriated by chapter thirty-two of the resolves of the year eighteen hundred and sixty-seven, chapter nine of the resolves of the year eighteen hundred and sixty-eight, for the purpose of completing the republication of the Report on the Invertebrate Animals of Massachusetts, authorized by said resolves, the same to be expended under the direction of the governor and council.

Distribution of report.

Resolved, That three hundred copies of the report be given to the Boston Society of Natural History, to be distributed to foreign public institutions of a similar nature, by direction of its council, and in behalf of the Commonwealth ; that fifty copies be given to W. G. Binney, the present editor, to be distributed among conchologists in this and foreign countries in behalf of the Commonwealth ; that two hundred copies be given to the family of the late Doctor Gould ; that five copies be given to the governor of the Commonwealth ; three copies to the lieutenant-governor ; that one copy be given to each member of the present executive council, and one copy to each member of the legislature of the year eighteen hundred and sixty-eight, and one copy to each member of the present legislature, who was not also a member of the last legislature ; one copy each to the clerks and assistant-clerks and sergeant-at-arms of the present legislature, and the reporters in regular attendance thereon ; one copy each to the secretary of the Commonwealth, treasurer, auditor, attorney-general, adjutant-general, quartermaster-general, surgeon-general, deputy tax commissioner, insurance commissioner,

the commissioner, the secretary and general agent of the board of state charities, and the secretaries of the boards of education and agriculture; one copy each to every college, normal school, incorporated library or free public library, in the Commonwealth; that this distribution be made instead of that provided in the resolves aforesaid; that the remainder of the edition, authorized to be printed, be placed in the state library, to be distributed under the direction of the trustees thereof, to individuals or public institutions, at their discretion; and that the future copyright be and remain the property of the Commonwealth.

Approved June 22, 1869.

RESOLVE IN RELATION TO THE RECONSTRUCTION OF THE WORKSHOPS AT THE STATE PRISON.

Chap. 99.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding forty thousand dollars for the purpose of reconstructing the workshops at the state prison. The said sum to be expended under the direction of the governor and council at such times and to such an extent as in their opinion the necessities of the prison actually require.

Approved June 22, 1869.

Allowance of \$40,000 for workshops at state prison.

RESOLVE IN RELATION TO THE COMPENSATION OF THE DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 100

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to each of the doorkeepers, assistant-doorkeepers, and messengers of the senate and house of representatives, five dollars per day, and to each of the pages of the two branches, the sum of three dollars and fifty cents per day, for each day's service of the present session, and to the doorkeepers and assistant-doorkeepers of the senate and house of representatives, and to the postmaster, one hundred dollars each, in addition.

Approved June 22, 1869.

Pay of messengers, &c., of the legislature.

RESOLVE IN RELATION TO UNIFORMS FOR COMPANY K, SECOND REGIMENT OF INFANTRY.

Chap. 101

Resolved, That the adjutant-general be authorized to furnish state uniforms for the use of company K, second regiment of infantry, Massachusetts volunteer militia, subject to the provisions of section two of chapter three hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Approved June 22, 1869.

Adjutant-general may furnish uniforms to Co. K, 2d Reg't Inf'y, M. V. M.

RESOLVE PROVIDING FOR THE ESTABLISHMENT OF A BUREAU OF STATISTICS ON THE SUBJECT OF LABOR.

Chap. 102

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to appoint, as soon after the passage of this resolve as may be, and thereafter bienni-

Bureau of statistics to consist of chief and deputy.

ally in the month of May, some suitable person to act as chief, who shall have power to appoint a deputy, and said chief with his deputy shall constitute a bureau of statistics with headquarters in the state house.

—duties of.

The duties of such bureau shall be to collect, and systematize and present in annual reports to the legislature on or before the first day of March in each year, statistical details relating to all departments of labor in the Commonwealth; especially in its relations to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the Commonwealth.

That said bureau shall have power to send for persons and papers, to examine witnesses under oath, and such witnesses shall be summoned in the same manner, and paid the same fees as witnesses before the superior courts of the Commonwealth.

—compensation of.

The compensation of said bureau shall be twenty-five hundred dollars annual salary for the chief, and two thousand dollars annual salary for the deputy. And the governor is hereby authorized to draw his warrant for the payment of said sums, together with such office and travelling expenses of said bureau, as he with the council shall approve.

Approved June 23, 1869.

Chap. 103

Committee to report to next legislature.

RESOLVE IN RELATION TO THE GAY HEAD INDIANS.

Resolved, That a joint special committee consisting of two on the part of the senate and three on the part of the house be appointed to sit during the recess of the legislature, for the purpose of visiting the Indians of the district of Gay Head, to inquire into their condition and to report to the next legislature.

Approved June 23, 1869.

The General Court of 1869 passed four hundred and sixty-six Acts and one hundred and three Resolves, all of which received the approval of the Governor.

The Acts may be classified as follows: General Statutes, or Acts of a public character, TWO HUNDRED AND NINETY-THREE; Special Acts relating to individuals and corporations, ONE HUNDRED AND SEVENTY-THREE.

The Legislature was prorogued on Thursday, June 24, the session having occupied one hundred and seventy days.

RESOLVES

RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Whereas, The legislature has received official notification of the passage by both houses of the fortieth Congress of the United States, of the following proposition to amend the constitution of the United States, by a constitutional majority two-thirds thereof, in words following, to wit:

Amendment to the constitution of the United States.

RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) that the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States, which when ratified by three-fourths of said legislatures, shall be valid as part of the constitution, namely:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state, on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

Therefore Resolved, That the said proposed amendment to the constitution be, and the same is hereby ratified by the legislature of the Commonwealth of Massachusetts.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the governor to the president of the United States, the presiding officer of the United States senate, the speaker of the United States house of representatives, and the state department of the United States.

[Passed by the Senate on the 9th and by the House of Representatives in concurrence, on the 12th day of March, 1869.]

INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM CLAFLIN.

At eleven o'clock on Saturday, the ninth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate, and
of the House of Representatives :*

The people of the Commonwealth, acting through the established forms of law, have placed in our hands, for a brief period, the regulation of their internal affairs, and the authority to give force and expression to their will. We are the chosen representatives of a State whose founders acknowledged at all times the protecting care of the Supreme Ruler of the Universe ; and to-day, we have occasion more than ever, to thank Him, that the principles and institutions which they established are preserved to us not only unimpaired, but strengthened and vitalized by the wisdom and experience of those who followed them.

I congratulate you that an unusual degree of health has prevailed during the past year ; that prosperity has attended our agricultural, manufacturing and mercantile pursuits ; and that labor has been fully employed, and well rewarded. Commerce alone, of all our great interests so deeply affected by the war, still remains depressed ; and while there are signs of returning activity, there is little hope of its attaining, at present, its former prosperity.

From my distinguished predecessor, who, for the three years, has administered the duties of the executive office in a manner so highly honorable to himself and beneficial to the State, you have received full information of many important subjects, which have come under his care and supervision; and I shall, therefore, present briefly my views on some of those matters which will come before you for action.

THE FINANCES OF THE COMMONWEALTH.

A brief statement of the public finances will be both gratifying and instructive,—gratifying, because under the provident policy of the Commonwealth the redemption of the entire funded debt at maturity is insured by liberally endowed sinking funds; which, with their certain accumulations, will be more than enough without the necessity of further taxation for that purpose; and instructive, as indicating the wisdom of providing at the outset for every important expenditure, without the entailment of pecuniary burdens. Such, practically, is the present financial condition of the State; while the unflinching payment of her bonds, principal and interest, in gold, has given her an enviable credit among the commercial states of the world.

The existing debt of the Commonwealth may be summarily stated as follows:—

Funded liabilities, Jan. 1, 1869,	.	.	\$26,807,420 00
Temporary loans, Jan. 1, 1869,	.	.	928,450 05
Total,	.	.	\$27,735,870 05
Total amount of the debt, Jan. 1, 1868,	.	.	26,572,560 12
Increase during the year,	.	.	\$1,163,314 93

The following statement will show the manner in which the debt has been increased:—

Scrip issued to fund the amount paid from the treasury for the Troy and Greenfield R. R. and Hoosac Tunnel,	.	.	£610,000
Scrip loaned Boston and Albany Railroad to redeem in part maturing bonds,	.	.	£312,000
Scrip loaned Boston, Hartford and Erie Railroad,	.	.	£60,000
Total,	.	.	£982,000
Or, at \$4.84,	.	.	\$4,752,880 00

and this are to be deducted several payments on account of temporary loans, and (including \$2,286,900 to the Western Railroad scrip, and \$75,000 Eastern Railroad scrip,) all amounting to	\$3,589,565 07
	\$1,163,814 93

The public debt may be classified as follows:—

Railroad debt, ...	\$9,142,176 00
Post-war debt, ...	1,092,000 00
War debt, ...	16,573,244 00
Temporary debt, ...	928,450 05
	\$27,735,870 05

The Railroad debt is composed of the following items:—

Western Railroad, ...	\$3,578,696 00
Eastern Railroad, ...	200,000 00
Worcester and Worcester Railroad, ...	400,000 00
Boston, Hartford and Erie Railroad, ...	290,400 00
Worcester and Greenfield Railroad and Hoosac Tunnel, including Southern Vermont Railroad, ...	4,673,080 00
	\$9,142,176 00

Of the funded liabilities, the payment of all but \$352,000 is fully secured by sinking funds, while the surplusage of their accumulation will be more than sufficient for the liquidation of the entire amount remaining unprovided for.

The funds thus specially established for the liquidation of the funded debt of the State, now amount to more than nine and a half millions of dollars, while the market value of the securities in which they are invested, is more than one and a quarter millions of dollars in excess of their original cost. But without this enhanced market value of their securities, these funds, at their par value, with their legitimate accumulation of increase, will be more than enough to meet the liabilities for whose payment they are held, as they mature in convenient instalments from the present year to the year 1900. In addition to these funds, there are appropriated for the extinguishment of this debt, any receipts which may

be received from sales of lands in the Back Bay, which are estimated to be at least \$1,500,000 in value; also, what may be received from the balance of our unsettled claims against the United States Government, which are estimated at \$200,000. The ordinary expenses of the State for the year ensuing are estimated at \$5,000,000. In addition to this the temporary loan, amounting to \$928,450, is to be provided for, making a total of \$5,928,450. The estimated receipts of revenue from all sources other than by taxation are \$1,500,000; from the issue of the balance of the scrip authorized for funding the Troy and Greenfield Railroad and Hoosac Tunnel debt, \$500,000; cash on hand applicable to the payment of ordinary expenses, \$1,000,000; making a total of \$3,000,000, and showing a deficiency of \$2,928,450.

It will be seen from this statement that a tax of three millions of dollars is necessary, unless provision is made for funding the temporary debt. As this debt has been incurred for purposes other than the ordinary expenses of the government, and as at the time the debt was contracted, it was the expectation that provision would be made for funding it, I see no reason why it should be included in the yearly tax. Leaving this amount out of the estimate, it does not seem necessary for the ordinary expenses of the State, to raise more than two millions of dollars by taxation. This sum, however, is only sufficient for the expenses of the year, even with the most rigid economy. Appropriations for other objects than those usually required, must be met by additional taxation, or provided for by loans, for which ample provision should be made in the usual form of sinking funds.

EDUCATION.

The education of every citizen should be one of the first objects promoted by a free people. So the Fathers of Massachusetts regarded it; and this policy, so persistently pursued by their descendants, has given to the Commonwealth a large share of the influence she possesses among her sister States. It is the purpose of this people to give to every child within their borders, not only the ability to read and write, but even much higher culture. The establishment of the Board of Education was an important progressive movement, as it contributed much to advance the cause of sound learning in the estimation of the people, and at the same time to raise the standard of instruction, and to diffuse the spirit of improvement. The result was soon manifested in larger grants of money from year to year. In 1867, the amount exceeded that of any former year, and it seemed

ven to the most zealous friends of education, that the highest point of taxation to which the people would submit had been reached. In this, however, they were mistaken. The suggestions made from time to time by those in authority, for an increased compensation to be paid to the teachers, have been appreciated, at least in part. The amount granted, as reports show, is \$2,635,774.06, an increase over the year 1867 of \$280,268.10. The amount granted is nearly ten dollars for every child between the ages of five and fifteen years, in the State; and nearly one dollar more than last year. The amount paid for the erection and repairs of school-houses, during the same time, was \$1,495,573.78; but as no returns have been made in years past of the sums paid for that purpose, no comparison can be instituted. Enough is shown, however, to demonstrate the fact, that, in this matter, the people will act in no parsimonious spirit. Show them what is needed to benefit the schools, and their response will be prompt and liberal. This view is confirmed by the cordial approval of the large and timely grants made by the last Legislature to several of our most important institutions of learning. Education, like everything human, admits of progress, and whatever change in the mode of instruction may seem important, let not the Commonwealth, from any attachment to past customs, be backward in adopting it. It becomes us, then, as guardians of the public interest, to use every power intrusted to us to place the educational institutions of the State among the most advanced in the world.

The compensation of teachers, to a large extent, determines the ability which that service can command; and if we would retain within our State our best and most experienced instructors, we must give them salaries adequate to their comfortable support. One of the most striking inequalities in our system of public instruction is the great difference between the wages of the male and female teachers,—the average monthly pay of the male teachers being \$72.93, while that of the female teachers is only \$27.84. While our women are so poorly paid for this service we can expect no great proficiency in teaching on their part, nor that they will pursue this occupation for any considerable length of time. I am happy to say that there is a gradual improvement in this respect, but there is still too great a disproportion; and our town and school boards should be encouraged to still further liberality. If possible, let those about entering the profession have the advantage of Normal School instruction. In several of our cities Training Schools have been estab-

lished, which are proving the importance of making the art of teaching, like every other art, an object of instruction. There appears to be no good reason why the larger Academies and High Schools, which are scattered through the State, should not possess these advantages, or that the State should not adopt some legislative action to encourage their trustees to establish a course of instruction adapted to this purpose.

Of late the attention of the public has been drawn to the benefits likely to arise to the cause of education, from placing on school committees, women, either of large experience as instructors; or who, from a deep interest in the cause, have given much attention to the subject. Thus far, wherever the experiment has been tried, it has been successful. And there would seem to be every reason, in a State like ours, where so large a proportion of the teachers are females, that the practice should become general. I would recommend, also, that the law appointing Boards of Trustees and Inspectors of those correctionary institutions which contain young children,—and especially the Industrial School at Lancaster,—should be so amended as to allow the appointment of women to those offices. This change is deemed very important by many persons intimately acquainted with the working of these establishments. They believe that their introduction into these boards would tend to promote the internal economy of the institutions, and enlist in their behalf the cordial co-operation and sympathies of all benevolent women throughout the State.

AGRICULTURE AND PUBLIC ROADS.

More than ordinary prosperity has attended the labors of the farm during the past year, and the products of agriculture are estimated at over \$40,000,000. The crops of the farm, the orchard and the garden were abundant and generally satisfactory. It is gratifying to notice the gradual progress and improvement of an interest which lies at the foundation of all wealth in any civilized community. The improved modes of culture, improved farm stock and improved farm implements, mark the advance of a new era, when more thought, more mechanical skill, and greater scientific attainments will be applied to develop all our material resources; and when greater and more profitable results will follow the labors of husbandry. Nature has done so little for us, in comparison with her bountiful gifts to the grain-growing regions of the West, that science and art must be called upon to do more. It was a wise forethought, therefore, that

incorporated into our organic law the injunction upon the Legislature to encourage the development of agriculture. This has been done through the medium of agricultural fairs, in the form of prizes to successful competitors in various departments of farm industry. Many of these fairs are undoubtedly accomplishing a good work; they stimulate energy and enterprise, awaken thought and inquiry, and spread information among the people.

Closely connected with our agricultural and other promising interests is the system of public highways. Few things of greater importance to a community, or a surer test of civilization, than good roads. Those of our citizens who have visited Europe are unanimous in the opinion that our public roads are far inferior to those of other countries, and that the means of easy and safe communication are better appreciated. The science of road-making is apparently not well understood; or, if it is, the present modes of superintending the construction and repair of roads are so defective, that the public suffers to an extent of which few of us are aware. It may be found upon investigating the cause of our miserably poor and ill-constructed roads, that the laws relating to this subject need revision, so as to give more uniformity in their construction and the repair of our highways. It is evident, also, that the science of road-making should have a prominent place in the course of applied mathematics at the Massachusetts Agricultural College.

THE SAVINGS BANKS.

It appears by the returns made to the Commissioner of Savings Banks that, in October last, the number of these institutions in the State was one hundred and fifteen, and that they had on deposit \$94,838,336.54, with a reserve of \$2,570,23.80, making in all the sum of \$97,408,360.34. The increase in the year has been \$14,407,752.83, which is \$1,808,33.43 more than that of the previous year. The loans on mortgages of real estate for the last year amounted to \$8,739,578.55. This shows that this class of securities, which was almost overlooked by the banks a few years since, has become a favorite investment, and that the complaint can no longer be made justly, that persons desiring such loans are obliged to obtain their funds from private individuals, at exorbitant rates. The success of these institutions is remarkable, and far beyond the expectations of the most sanguine. The safety of the system is fully demonstrated, and depositors, from year to year, seek to avail themselves of

their benefits by increasing their deposits through their own names than their own. In some States the amount that may be deposited by one person is not limited by statute, and no injury has been caused to the banks or depositors. There would seem to be no good reason why our State should not be as liberal as others, especially when their experience has proved that no loss is likely to ensue from such an increase of deposits. It is for the interest of the State to keep its capital at home for use among our own citizens. This investment is safe, convenient, and sufficiently remunerative. These banks are under the control of the State, are subject to its supervision and care, and are liable to taxation. The cost of management is very small, being less than one-tenth of one per cent. on the amount deposited. I recommend, therefore, that the law be amended so that one person may deposit at least five thousand dollars, or that the amount be left to the discretion of the trustees of the banks. Some of these institutions loan or discount a portion of the funds on personal securities. The law provides for this method of investment to an amount not exceeding one-quarter of their deposits, but there is some doubt whether commercial paper, though it may have three names, can be discounted. I would recommend a change in the law which would insure a uniformity of practice, and give the commercial world free access to their proportion of the large amount of funds to which I have alluded.

CHARITIES, REFORMS AND CORRECTIONS.

The increasing efficiency and success which distinguish our system of public charities, reforms and corrections, should command your cordial approval and encouragement. Ever among the foremost to make liberal provision for the care and support of her poor and dependent classes, Massachusetts continues to maintain her high position for generous and wide-spread beneficence. Her experience is emphatically humane and progressive; while the spirit and aim of her charitable and reformatory legislation are equitable and judicious. The condition and management of the various institutions maintained by the Commonwealth, indicate the steady progress of enlightened humanity, corrective discipline and discreet economy. The legislation of the last few years concerning these important subjects, though still in many respects imperfectly developed, is beginning to yield beneficent and practical results. Any failure of coördination heretofore manifest in the working of this class of public establishments, and any consequent lack of order and harmony

may have impaired or weakened their administration, been in a very large degree relieved by the inauguration of judicious policy. Wise and well considered measures, administered with unsparing patience and watchful charity, have done much to eradicate existing defects, and initiate a more perfect and efficient system into this department of the public service. The Board of Charities and the officers of various institutions under their supervision, acting in a liberal spirit of coöperation, and with an earnest purpose to advance the interests of the Commonwealth and to lessen poverty and evil, have contributed in a large degree to the success of the important work intrusted to their direction. Through these and other kindred agencies, pauperism, crime, disease and insanity, have been investigated, classified and treated, lessening as far as possible the burden which they impose upon the Commonwealth. By the operation of the present system, honest poverty is relieved, criminal and vicious pauperism is humanely treated, and indigent and homeless children under the guardianship of the State, are educated and fitted for an honorable and useful life. Thus a duty of vital importance has been discharged both to the paying community and to those whose poverty, imbecility and crime, have made them a public charge. If this policy is continued, the reputation of the Commonwealth for discriminating and Christian philanthropy, and for impartial justice, will be preserved without stain or blemish; while in the observance of rigid economy no elements of justice or charity will be disregarded. How well and intelligently this service of patriotism and humanity is being performed by the able and faithful officers having these matters in charge, and how the reform of those under their charge is being accomplished, will be more fully seen by the official records and reports to be communicated for legislative investigation.

THE STATE PRISON.

The reports of the officers of the State Prison represent the affairs of that institution to be in excellent condition. The Warden's report shows an excess of receipts over expenditures of \$27,646.49, and over last year, of \$5,300.33, which is a very gratifying result. The health of the prisoners is good. The discipline, under the guidance of the high-minded and efficient Warden, assisted by the faithful and capable officers under him, is firm, while it is as kind and humane as possible under existing laws. From the experience of the past, it would seem safe to give to the Warden and Inspectors additional authority to afford the prisoners more relaxa-

tion and opportunity for social intercourse and mental improvement. At best, prison-life is very severe to all, in physical influence, and especially so to the young, who compose much the largest number of inmates,—more than two thirds of those now in the prison being under the age of thirty years. Few persons can endure the confinement of prison more than ten years, and many who have been there a much less period of time are now suffering from the effects of their incarceration. It is true that this is incidental crime; but every dictate of humanity requires us to see that no unnecessary severity is employed. For the protection of society and for the warning of those who are disposed to commit crime, persons are punished by imprisonment; when once within the walls of the prison, every effort should be made to reform them. In most cases, crimes are the result of ignorance and undue excitement for the moment, caused mainly by the use of intoxicating liquors. The increase of commitments for the eight months previous to the first of October, 1868, over the same time in 1867, is remarkable, and demands the careful attention of the community. In the eight months alluded to, in 1867, 65 persons were committed to the State Prison; in the same period in 1868 there were 136 commitments,—more than double the number of the previous year. It may be, perhaps, that all this increase is not due to the ease and freedom with which intoxicating liquors can be obtained, but few will deny that much the largest part is chargeable to this cause.

I would invite your attention to the Warden's observations in regard to the inequality of sentences. This is the subject of constant remark in the Executive Council, and is often the occasion of pardon. To send one man to the terrible sufferings of a prison for ten years, and another for five years, or even a less time, for the same crime, would seem to be too manifestly wrong not to awaken the attention of the Legislature to the necessity of a remedy. I have the highest respect and esteem for the members of the judiciary, who are obliged to impose sentences in the discharge of their responsible duties. They have the confidence of their fellow-citizens in a remarkable degree, and I believe they act as faithfully as men can, under the circumstances in which they are placed. The fault is in the system, which should, and soon I trust will be, remedied.

THE LICENSE LAW.

The effect of the change in the law in regard to the sale of spirituous and intoxicating liquors made by the last Legislature, has hardly been fully developed; but from such in-

information as has reached me it would seem to be unsatisfactory to the people generally, in every respect. For a quarter of a century the State had been free from the legal sale of intoxicating liquors, with slight exceptions in one or two counties. In nearly all of our towns and in some of the cities the open bar was unknown; it was a thing of the past; driven with other injurious trades and employments, into secret places. In a State so dense in population as ours, whose inhabitants are largely engaged in in-door employments, the placing at every conspicuous point an open bar, with all its allurements to the young and inexperienced, must inevitably lead to an increase of drunkenness, vice and crime. This is so clearly demonstrated, that, wherever the vote has been fairly taken, there has been a most decided expression against granting licenses for this purpose. A moral and Christian people cannot remain inactive when they see such results as are following, and are sure to follow, the sale of intoxicating drinks, to the extent that now prevails in our hitherto quiet and orderly State. The increase of drunkenness and crime during the last six months, as compared with the same period in 1867, is very marked and decisive as to the operation of the law. The State prison, jails and houses of correction are being rapidly filled, and will soon require enlarged accommodations, if the commitments continue to increase as they have since the present law went into force. It seems, then, essential for the public good that the present system should be abandoned, and that one should be adopted more in accordance with the habits and experience of the people. In placing a new law on the statute-book, it is of the highest importance that it should meet the acquiescence, if not the sanction of the great body of the people. In a free Commonwealth no law can stand that is not in accordance with the general judgment. Care, therefore, should be taken to avoid, in any new enactment, all unreasonable and unnecessary interference with personal and private rights. Some provision should also be made for the sale of such liquors as are needed in the arts, and for medicinal and sacramental purposes. It may be wise, therefore, to consider the expediency of legalizing the sale by druggists and apothecaries of well-known standing and respectability, under careful restriction. That any law which tends to restrain a practice so prevalent in the community, will meet with opposition, more or less serious, cannot be doubted. So long, however, as it is the conviction of the people that it is intended for the public good, and to promote their moral and material interests, it will be sustained; but when it fails to meet their approba-

tion it will be ineffectual. I commend to your consideration this most important subject. It has engrossed much of the attention of the Legislature since the foundation of the State. The evils of drunkenness are acknowledged by all, and a remedy therefor has been sought in vain by the ablest and wisest philanthropists. Experience is gradually working out the problem, and we have much to hope for in the end of law, assisted as it is by the steady advance of moral sentiment in the community, by the general conviction that sobriety and good order are necessary to the fullest development of our resources, by the progress of science, and by the inspiration of religious faith.

MILITIA.

The number of enrolled militia, as appears by returns from the Adjutant-General's office, is one hundred and sixty-nine thousand one hundred and sixty-seven men, an increase of six thousand six hundred and eighty-two over last year. The number of active militia present at the last Fall encampment was five thousand two hundred and fifty-eight. I am informed by those in official attendance that the whole force fully sustained its previous high character for soldierly appearance and drill. The annual cost of our militia is not far from \$150,000. Though that is a considerable sum, it is my belief that the people of the State will cheerfully submit to any taxation to keep the force in its present excellent condition. The valuable service rendered by our militia at the breaking out of the rebellion is still fresh in the memory of the people, and they will be slow to sanction any reduction of the force which will diminish its efficiency. If, however, on a careful inquiry of the proper officers, it should appear that the number of companies can be reduced, without impairing the spirit of the remainder, or lessening their confidence that they will be cordially sustained in their efforts to keep up a thorough drill and organization, then a due regard to economy—which should characterize every department of the government, would seem to indicate the propriety of a change in the laws to accomplish this result.

I understand from the Quartermaster-General's Department that, under the present able and efficient management of the officers in charge, the expenses of the arsenal at Cambridge have been reduced some \$3,000 ; but that no farther reduction can be made and keep the premises and material in their present high condition.

TRANSPORTATION AND THE SOUTH BOSTON FLATS.

to develop the resources and promote the material interest of the Commonwealth, aid has been granted by the Legislature, from time to time, to its most important railroads. Nearly all of them are prosperous and are paying their stockholders large dividends. They are managed in their internal affairs with great ability and integrity, and generally, in their equipment and accommodations, equal if they do not surpass railroads of other States. Thus far, however, I am compelled to say, there is no adequate preparation to receive and store the productions of the South and West, which would come to this port for foreign shipment. It is alleged that the want of this accommodation induced the withdrawal of our steamship line to Europe,—the first established and best known throughout the country,—and we cannot expect its return or the establishment of another, until this great want is supplied. The railroads terminating here are not entirely at fault. Grants of power to enable them to reach deeper, where their business could be transacted more advantageously, have, until recently, been refused by your predecessors. The public here and at the West have demanded, for a long time, greatly increased facilities for our foreign and domestic shipments. A broad and liberal policy should be pursued, and corporate or private jealousies, or supposed interests of stockholders, should not be allowed to stand in the way of whatever legislation is needed to accomplish the desired result. I respectfully ask your attention to this subject, which is so vital to the material interests of the State and of its chief city.

In this connection I may add that it is fortunate for the public that, within a mile of the custom-house in Boston, the Commonwealth possesses a property which, in the future, will be of incalculable importance to the business of the city and State. For twenty years the Legislature has had the matter of the improvement of the South Boston flats under consideration. It is probable that any attempt to occupy them at any earlier period would have resulted in failure, as an investment for the State. Such, however, are the demands of business at the present time in the vicinity of these flats, and such will be the wants in the future for business purposes, that this whole property of nearly seven hundred acres in extent will be needed. Nowhere else can the railroads find ample accommodations, so accessible to the public, for their constantly increasing traffic, and nowhere else can the mechanical, manufacturing and commercial pursuits of

Boston, now extending so rapidly, find cheap and convenient locations. With all these natural advantages, the State hesitated, hitherto, to initiate a system of development which would involve any considerable outlay of money from the treasury. Your predecessors, two years ago, authorized expenditure of \$200,000 for a sea-wall, but no amount for filling the flats, except such funds as should be derived from their sale. Happily for the successful improvement of this great property, the investigations of the last two years have disposed of some of the problems which embarrassed the progress of the enterprise. It may now be regarded as settled, that the filling of these flats within the limits approved by the United States Commissioners, instead of tending to the injury of the harbor of Boston, will materially benefit it. It is a matter of congratulation that those investigations show that the harbor of our commercial metropolis is one of the finest on our coast, and that improvements can be made in connection with the filling of these flats,—not only without the ultimate appropriation of a dollar from the treasury, but with considerable profit to the State,—which would largely increase the capacity of the harbor. While, therefore, I would not recommend the entering upon a system of harbor improvements at the expense of the treasury of the State, and that belongs more properly to the National Government, yet every consideration of far-seeing policy suggests the wisdom of an enterprise which secures enlarged commercial facilities and valuable financial results.

The filling of these flats is no doubtful experiment. The continual rise in the price of real estate in Boston proves that the great present and future need of this city is land. These flats, together with a very large territory belonging to the Commonwealth in South Bay, are directly in the path of the growth of Boston. If a large portion of this territory was filled it would sell at remunerative prices. The whole of it will be needed within this generation, and if the plan of development and occupation is controlled by the Commonwealth, with a special regard to the requirements of commerce and the rapidly increasing population of Boston, we may predict the most favorable conclusion of this long-deferred enterprise. Contracts were made by the Harbor Commissioners during the last year for building a part of the sea-wall, and for filling a portion of these flats,—payment therefor to be made in land filled,—but these contracts were not approved by the Executive Council.

By chapter 313 of the Acts of 1864, the net proceeds of the sale of these flats are devoted to the sinking fund for the

redemption of the scrip therein authorized. Whatever plan of improvement is adopted, good faith with the holders of those bonds requires that the largest financial results, which will be consistent with commercial ends and the rights of others, shall be secured. The whole matter is open for the action of the Legislature.

THE DEPRESSION OF COMMERCE.

I have already alluded to the fact that, of all the public interests which experienced the depressing influence of the war, commerce alone has failed to recover its former position. It is a censurable apathy that permits this important branch of business to languish; that allows a great nation to remain dependent, in time of peace, upon foreign ships to carry its exports and imports; that, in time of war, leaves it without ship-builders or shipyards of the first class; and, in case of emergencies, without that indispensable resource—a mercantile marine—to furnish men for ships of war. Great Britain, in sustaining her ocean steamers by large subsidies, has displayed her accustomed foresight. She has again become mistress of the sea by her political sagacity, as she was formerly by her naval prowess. France, stimulated by the success of these measures, is vigorously following the example given,—while to-day there is not one of the steamships connecting America with Europe, that is owned by American citizens and sailing under the American flag. The Constitution of the United States has wisely committed the control of this subject to the National Legislature, but, as the representatives of one great section of the nation—of a State whose metropolis is one of the most important ports of the Union—we cannot be indifferent on this question. We have both a local and national interest in the commerce of this country; and I would suggest, therefore, the expediency and the importance of some action on your part, by memorial or otherwise, to express to our representatives in Congress our deep conviction that immediate and vigorous measures should be taken to relieve and foster this branch of national industry.

DR. GOULD'S REPORT ON INVERTEBRATE ANIMALS.

In 1865, the Legislature authorized the republication of twelve hundred copies of Dr. A. A. Gould's Report on the Invertebrate Animals of Massachusetts, and provided for the distribution of the work when issued. In 1867, the preparation of the Report having been suspended by reason of the

death of Dr. Gould, the Legislature authorized the Governor and Council to appoint some suitable person to complete the work, reaffirmed and continued the appropriation for the purpose, made in 1865, and prescribed the following mode of distribution, in place of that previously adopted: to send one hundred copies to the family of the author; fifty copies to be placed at the disposal of the Governor and Council; to the officers, members and reporters of the Legislature of 1867, the colleges, normal schools, public and town libraries in the State, one copy each; the remainder to be distributed to individuals or societies by the trustees of the State Library. In 1868, the Legislature appropriated \$4,000, in addition to a like amount voted by the Resolve of 1867, for completing the publication, and provided for the further distribution of the work, as follows: one copy each, to the officers and members of the Legislature of 1868, the Secretary of State, Treasurer, Auditor, Attorney-General, Adjutant-General, Quartermaster-General, Surgeon-General, Deputy-tax, Insurance and Bank Commissioners, Secretary and General Agent of the State Charities, and the Secretaries of the Boards of Education and Agriculture.

Under the supervision of Mr. Wm. G. Binney, who was appointed by my predecessor to succeed Dr. Gould in charge of the publication, the progress of the work has been satisfactory. Some delay, however, has been unavoidable in the preparation of the plates, but this part of the labor is now finished, and the volume will soon be issued. The disposition of the work contemplated by the Resolves of 1867 and 1868 will nearly, if not quite, exhaust the authorized edition; the circulation of the Report will be mainly restricted to this State, and but a small number of copies will be afforded for distribution in other States and foreign countries. It seems alike due to the interests of science, the memory of its illustrious author, the honor of the State, and in accordance with the enlarged views of our fellow citizens and the accustomed liberality of the Commonwealth, that a work of such importance and scientific value should be so widely circulated as to be accessible to naturalists in all parts of the world. I am informed that an increase of the edition to two thousand copies, would be sufficient to allow of the distribution of the Report to all the prominent scientific associations and libraries in this and foreign countries, and that the expense of such increase would be little, if any, over two dollars a volume. The Resolve of 1867 provides that the future copyright of the Report shall be the property of the State. As another edition will probably never be printed,

and as no provision has been made for the sale of the work, I respectfully suggest that additional legislation is necessary to secure for this valuable Report the wide and generous circulation to which its great value entitles it.

INDIANS OF THE COMMONWEALTH.

While calling upon the national government to guarantee equal civil and political rights to all citizens within its jurisdiction, and appealing to our sister States to secure to all their citizens the same rights and privileges, it becomes us to remember that we have within our own borders a considerable number of persons to whom these rights and privileges are denied. There are, scattered over the State, more than one thousand of our people called Indians, who are placed under partial civil disabilities, and who are politically disfranchised. They are not paupers, nor slaves, and yet not citizens. They are treated as the wards of the Commonwealth, recipients of its charities, but debarred from all agency in making the laws by which they are governed. It is unnecessary to enlarge upon the reasons why this political anomaly should so long have existed in this Commonwealth. It should exist no longer. These persons are not Indians in any sense of the word. It is doubtful if there is a pure-blooded Indian in the State. The largest number reside in or near the Marshpee District, and on Martha's Vineyard. A majority have more or less of the marked characteristics of the aboriginal race, but there are many without a drop of Indian blood in their veins. The marriage of a foreigner with a member of the tribe transforms the foreigner into an Indian. The result of this singular system has been a heterogeneous population, in which the characteristics of the white and negro races have already nearly obliterated all traces of the Indian.

It cannot be doubted that the Indians of this Commonwealth are as well fitted to exercise all the functions of citizenship as any other of our citizens in the same condition of life; or rather, as any other of our citizens would be who had labored so long under similar disabilities. It will hardly be denied that the tendency of these disabilities has been to increase and perpetuate their incapacity for citizenship; or that the shortest and best method to fit them to discharge its duties, is to place upon them all its responsibilities. There is no reason why the exceptional policy hitherto applied to these Indians should be continued, and the sooner they are merged in the general community,—with all the rights and

privileges, and with all the duties and liabilities of citizens,—the better it will be for them, and the more creditable to the Commonwealth.

NATIONAL AFFAIRS.

As citizens of the Republic I congratulate you on its present political condition. We have just passed through its most important and exciting political contest that has ever agitated the country in time of peace. Greater results and more enduring consequences, indeed, followed the election in 1864, but that struggle took place amid the terrible scenes of civil war. For three years previous to that the conflict had raged with varying success; and, at the very time, the so-called Confederacy, to outward appearance, remained as firm and stable as ever. A large portion of the people of the North were doubting whether the Union would be preserved, which doubt they expressed in convention by declaring the "war a failure." A sense of the mighty interests involved, both moral and material, at length aroused every lover of his country. His faith in the principles so long advocated by the party of progress, compelled him to support the administration. He might question its less important acts, but he could not fail to support its main policy, for disaster and ruin were sure to follow any other course. The triumphant election of Mr. Lincoln showed the South that the North was determined to save the Union from permanent division. The armies of the Confederacy at length surrendered to the loyal hosts led by those skilful commanders, Grant and Sherman, and the leaders of the rebellion fled for their lives from the vengeance of an outraged and long-suffering people. Substantial and lasting peace seemed about to follow, but the death of the great and good President placed the chief magistracy in the hands of one who was supposed to be of a sterner nature, and whose opposition to the rebellion and to rebels would be more radical and uncompromising. His true character, however, was soon manifested in his recreancy to his professed principles, and in such a degradation of his high trust, as was never before endured by a confiding and high-minded people. The so-called Confederate States were kept in a disturbed and unsettled condition by the persistent efforts of the President to revive the drooping spirits of the leaders of the rebellion, in the hope that the coming election would save to the lately dominant race something of its former power.

The issue was squarely made, the contest began, and loyal men everywhere rallied to save the fruits of the victory,

which had been won in the field by such immense sacrifices of blood and treasure. Never before were the great questions of national policy so fully canvassed ; never were the probable results of an election made clearer to the voters, and never was the Presidential question more unequivocally and emphatically decided. Gen. Grant goes into office with a larger majority than was ever given to any man since the formation of the Government, with a single exception. As it was predicted, his election already gives peace ; and everywhere,—both in the Old World and in the New,—lovers of liberty and believers in the progress of humanity rejoice at this fresh evidence of the capacity of man for self-government, under the most difficult and trying circumstances. General Grant possesses the full confidence of the people, and has their unwavering support. Tried by no ordinary test in civil administration, he has proved himself equal to the demands made upon him, and inspires the people with the same confidence in his capacity for his new duties, that he always gave to the noble armies he commanded, when entering on the field of battle. Without ostentation, unselfish, generous and patriotic, he labors to lift the standard of his country higher among the nations, and to elevate the human race. It is a matter for congratulation that this State,—one of the smallest in territory, and with less than one-twentieth of the population of the United States,—gave him and his distinguished associate a majority larger than any other, by more than twenty thousand. I also congratulate you, that while those in the minority felt it necessary to express their dissent at the ballot-box, they now join, with but few exceptions, in the general satisfaction, that the choice of the nation fell upon one whose fame as a soldier belongs exclusively to no party, and whose integrity is a pledge of justice to all.

A final measure, to secure the tranquility of our nation is now demanded by every consideration of gratitude to the brave heroes who have fallen, and of justice to those so long enslaved and as yet only partially enfranchised, who aided to achieve the triumph. The American idea of liberty is based on the principle that is expressed in those immortal words of the Declaration of Independence : “ All men are created equal.” The events of the war have made free all over whom the flag of the nation waves ; but, as yet, all are not equal at the polls, either as voters or as candidates for office. A citizen of the Union should have the same privileges, whether his home is in Maryland or Massachusetts. Deny one man in Maryland his rights as to the suffrage or any other national matter, and the citizen of Massachusetts

suffers as well as the disfranchised in Maryland. Let it then, be made a part of the Constitution that suffrage on national questions shall be the same in every part of the Union; establish it in the organic law, and no change of parties can abridge the right; embrace the present opportunity and the nation will reap the full fruit of the recent victory. Failure now will bring doubt and uncertainty as to the future, and the friends of the ballot in other lands while they are struggling for the right, will feel the loss, and lament our want of courage, persistency and fidelity, to the great idea which inspired our contest. But no argument can be necessary to establish this point before any assembly in Massachusetts—especially before her representative men. I leave the matter with you, to take such action as you may deem proper to secure the desired result, feeling that you understand fully the great importance of an early consideration of the subject.

Senators and Representatives :

I have suggested some of the subjects which will call for your consideration. Other matters will be brought to your notice through the appropriate channels. Our State, one of the earliest founded in the Union, still gives full proof of her youth and vitality, by steady growth of population, by material progress, by increase of wealth, and by that social culture, which make her sons, wherever they wander, turn to their early homes with ever-increasing affection. Our legislation should be such as to induce our young men to remain where they can enjoy the fruits of a civilization which has been secured to them through the faithful labors, practical wisdom and sound statesmanship of their fathers.

We enter upon our duties under circumstances most favorable to harmony and concord in the different departments of the government. The great questions which have so long agitated our country, and called for such sacrifices by the people of our State, are now practically settled. There are many local interests that still call for the exercise, on your part, of ability, faithfulness and wisdom. Let us, then, begin our labors promptly, in the hope that our constituents may be gratified with an early termination of the session. It will be my pleasure, as it is my duty, to concur with you in all measures which shall tend to promote the public welfare, to increase the happiness of the people, and to enable them to continue and enlarge those works of humanity, charity and Christian benevolence, which have so long distinguished our ancient and beloved Commonwealth.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING
THE ANNUAL SESSION.

[To the Senate, January 28.]

I have the honor to transmit herewith for the information and consideration of the General Court, a copy of the annual report of the Board of Education; and also, a memorial from the "National Lincoln Monument Association" of Illinois, asking for "such aid as your judgment may dictate," to assist in the completion of the work for which that organization was formed.

Report board of education, and memorial from the "National Lincoln Monument Association" of Illinois.

[To the Senate, March 4.]

I have the honor to transmit to the legislature a communication, received this morning, from the Secretary of State of the United States, enclosing an attested copy of a Resolution of Congress, proposing to the legislatures of the several States a Fifteenth Article to the Constitution of the United States.

Fifteenth article amendment to U. S. constitution.

This amendment is cordially supported by President Grant, whose inauguration, consummated within a few hours, is hailed by the American people as the beginning of an era of justice, righteousness, humanity and peace in the administration of the government, and I commend it to the early and favorable consideration of the legislature.

[To the Senate, March 9.]

I have the honor to transmit to the legislature two letters from the Secretary of State of the United States in regard to the issue of foreign passports by our Secretary of State. I also enclose, with other papers, a copy of my reply to Secretary Seward's first letter, and the opinion of the Attorney-General of our State in regard to the law under which the Secretary of State has acted hitherto. An examination of the law shows that it is imperative upon the Secretary of State to issue these passports at the request of any citizen of

Issuing of foreign passports by secretary of the Commonwealth.

our State. When this law was enacted certain citizens of our State were unable to obtain passports from the United States on account of their color. Happily, that objection has passed away, and there seems to be no necessity for the law, except for the convenience of our citizens. Practically, this is not a very important point, as the government has an agent in Massachusetts who, at very short notice, is able to obtain proper papers for citizens going abroad. The State bears no expense for agents abroad, has no authority over any person to give force to the passports, and, as the national government provides for all the authorized agents of the United States abroad, there seems to be a conflict, in some degree, between the United States and this Commonwealth. I therefore recommend that the legislature consider the propriety of repealing the law.

[To the House of Representatives, June 8.]

Memorial from
Darius Charles
and others,
councillors
Stockbridge In-
dians.

I have the honor to transmit herewith, for the consideration of the General Court, a memorial from Darius Charles, sachem, and five other persons, councillors of the tribe of Stockbridge Indians, presenting the claim of that tribe for relief from the Commonwealth.

VALEDICTORY ADDRESS

OF

HIS EXCELLENCY ALEXANDER H. BULLOCK,

TO THE

GENERAL COURT, JANUARY 7, 1869.

gentlemen of the Senate,

and of the House of Representatives :

Before transferring to an eminent citizen of the Commonwealth the labors and responsibilities of the office to which he has been summoned by his fellow citizens in a manner which marks their appreciation of his private virtues and his public services, I deem it proper to communicate with the Legislature concerning several matters of grave import, affecting the moral and material interests of Massachusetts. Impressed with the duty of the Chief Magistrate to impart, and the right of the people to receive, the fullest and most precise information respecting the public business, I have the honor to present such information in detail upon some of the measures which have been initiated, have progressed, or been matured during my official term. I have the honor to transmit at the same time, for the information of the Legislature, several reports of public officers, and other documents which merit the attention and may require the action of the General Court.

THE PUBLIC FINANCE.

A brief review of the financial results of the last three years will commend itself to the attention and thoughtful consideration of the tax-paying citizens of the Commonwealth.

At the commencement of my official term the nation had just emerged from a long and costly war, which had entailed

upon Massachusetts a heavy burden of indebtedness already accrued, with the inevitable contingency of a large prospective increase under the operation of various acts of special legislation rendered necessary by the exigencies of the conflict. It should also be remembered that, in response to the demands of public enterprise, charity and education, Massachusetts has in this period, as before, generously maintained her reputation, bestowing her munificence with unprecedented liberality.

The result is strikingly apparent in the fact, that, while the floating or unfunded liabilities of the State have been reduced but little more than three millions of dollars since 1866, (amounting at the present time to nine hundred twenty-eight thousand dollars,) the funded debt has been enlarged upwards of seven millions during the same period, a net increase of more than two millions having occurred within the last year.

Among the causes directly and indirectly contributing to this result may be enumerated the following:—

First, the large disbursements required for the liquidation of State bounties remaining unpaid at the close of the war, the aggregate amount paid from the beginning being nearly four and a half millions of dollars in excess of the scrip issued for that purpose; second, the continuance of State aid to the families and dependents of Massachusetts Volunteers, the reimbursement of which to cities and towns swells to an aggregate of three and three-quarters millions of dollars for the years 1866–7–8; third, the heavy drafts upon the treasury for the prosecution of the Troy and Greenfield Railroad and Hoosac Tunnel enterprise, for which, during the four years previous to 1868, nearly three millions of dollars in excess of the issue of scrip have been advanced from the proceeds of temporary loans and from the ordinary revenues of the Commonwealth, to which might be added another half million of dollars since advanced on the same account and in the same manner; fourth, the largely increased interest on the public debt, and the high premium on gold, both amounting in the aggregate to an annual average of one million four hundred and fifty thousand dollars; fifth, the extraordinary expenditures authorized by acts of special legislation in excess of previous estimates,—in some cases but partially provided for, and in others not even considered, in the basis of taxation,—*amounting in a single year to more than eight hundred thousand dollars, and during the three years mentioned to more than one and a half millions of dollars*; sixth, the loan in aid of the Boston, Hart-

ard and Erie Railroad, authorized by the Legislature of 1867.

From an intelligent estimate of these heavy aggregates and the causes of their accumulation it will be easy to understand how rapidly a public debt may stride into very large proportions. The following tabulated statement exhibits these financial results in a clear and comprehensive form :—

Funded debt, Jan. 1, 1866,	. . .	\$19,056,485 56
Unfunded debt, Jan. 1, 1866,	. . .	4,177,196 19
Total,		<u>\$23,233,631 75</u>

Funded debt, Jan. 1, 1869,	. . .	\$26,807,420 00
Unfunded debt, Jan. 1, 1869,	. . .	928,450 05
Total,		<u>\$27,735,870 05</u>

Increase of funded debt,		\$7,750,984 44
Decrease of unfunded debt,		8,248,746 14

Showing a net increase of the aggregate debt, during the three years, of	. . .	<u>\$4,502,238 30</u>
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From this comparative statement of the funded liabilities of the Commonwealth, is deducted that portion which has been liquidated on maturity during years named, amounting to \$2,859,900, and there remains the net increase as above stated, which has accumulated from the following issues of scrip :—

For the Bounty Fund Loan,		\$1,951,244 00
For Massachusetts War Loan,		8,505,000 00
Troy and Greenfield Railroad and Hoosac Tunnel Loan,		2,952,400 00
Western Railroad Loan,		1,510,080 00
Hartford and Erie Railroad Loan,		290,400 00

Redemption of the Funded Debt.

It should be borne in mind that, while the foregoing statement indicates a large increase of the public debt, the available assets applicable to its redemption have proportionably accumulated; so that, in a strictly financial view, the pecuniary condition of the Commonwealth has rarely, if ever, exhibited a more gratifying and creditable aspect.

In substantial conformity with recommendations communicated in my last annual message, for the retirement of payment of existing unfunded loans and liabilities, and the establishment of additional sinking funds from resources already available and at our disposal, for the redemption of the funded loans without resort to further taxation for the purpose, the Legislature of 1868 made ample provision for the payment of nearly six millions of liabilities, including the Coast Defence Loan and the new Loan in aid of the Troy and Greenfield Railroad and Hoosac Tunnel.

As the result of that legislation, almost three millions of dollars previously advanced from temporary loans and from the ordinary revenue, in anticipation of the sale of scrip, have been restored to the common uses of the treasury; while the payment at maturity of all but \$352,000 of the entire funded loan is now fully secured by well-endowed sinking funds, which, with their legitimate accumulations, will be ample for that purpose, without the unwelcome contingency of taxation. For the payment of the small amount thus unprovided for by specific legislation, most of it maturing in 1870-72, the surplusage of funds already established will be much more than sufficient.

The Massachusetts Funds and their Securities.

In connection with the subject of finance, every tax-payer will be especially gratified to know that the securities in which the funds are invested, a very large proportion of them being Massachusetts bonds, possess a market value nearly one-sixth more than their cost. The assets belonging to the seventeen Sinking and Trust Funds of the State amount to more than twelve millions of dollars, and the aggregate market value of their securities exceeds the amount of original investments by *nearly one million eight hundred thousand dollars.*

The several Sinking Funds *applicable to the redemption of the Funded Debt* already amount in the aggregate to *nine and a half millions of dollars*—considerably more than one-third of the entire debt. When it is considered that the maturing of this debt is graded over intervals extending onward for more than thirty years, it will be at once seen that these funds, with their natural accumulations, cannot fail to become in the aggregate largely in excess of the amount actually required for liquidation. Besides, the securities in which they are invested have at the present time a market value of *more than one and a quarter millions of dollars above the original investment or cost.*

assuredly, in view of this largely enhanced value of its lands, unusual if not unprecedented in the history of States, every citizen of Massachusetts may cherish pride in its financial credit at home and abroad. Our bonds, of which the payment of both principal and interest in gold is sacredly guaranteed and unerringly fulfilled, command everywhere a confidence not surpassed in the commerce of the globe.

THE LOAN TO BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

By chapter 284 of the acts of the year 1867, a State loan of three millions of dollars was made to the Boston, Hartford and Erie Railroad Company, to enable it to complete its road to the Hudson River. The absolute granting or delivery of such a subsidy was by the act made contingent upon the fulfillment of certain conditions which should be made to appear to the satisfaction of the Governor and Council, of the Attorney-General, and of certain commissioners to be appointed under the sixth section. I deemed it fortunate for the State, that upon this commission I was enabled to procure the services of Messrs. George T. Bigelow, Emory Washburn and Samuel Ashburner.

The Commissioners, after long and thorough investigation, made an extended report upon the whole subject, and in conclusion expressed the opinion that, if the means and resources of the company should be honestly and judiciously used, and with a reasonable degree of energy, enterprise and economy, the road might be thereby constructed and moderately equipped, and they accordingly recommended the allowance by the Governor and Council of a loan of \$1,000,000 for the work already done and equipment purchased. A copy of this report is herewith communicated. This document was transmitted to the Attorney-General, with the request that he would report upon the various matters in which his concurrent action was required. A copy of his reply is also transmitted.

It was quite obvious to my mind that it was the design of the Legislature to secure the separate and responsible judgment of the Governor and Council upon each of the particulars named in the act as necessary to be shown. It also became early apparent that the principal questions concerning which doubts would exist, were, whether the requirements of the statute concerning the payment and cancellation of the mortgage debts secured by the underlying mortgages on that part of the road this side of Southbridge and Willimantic had been complied with, and whether the company had satisfactorily shown that they would be able, without further aid

from this Commonwealth, to complete their line from Boston to Fishkill before May 27, 1872.

Deeply impressed with the responsibility imposed upon me in respect to these questions, I gave my careful and personal attention to the examination of the details which could throw light upon them.

A considerable discrepancy was found to exist in the various statements of the outstanding bonds which are secured by the underlying mortgages. This discrepancy was largely relieved by subsequent explanations; and a bond with personal sureties was required, in the penal sum of one million of dollars, to protect the franchise and property described in the Berdell mortgage from the uncanceled bonds, thus dispensing with the necessity of a precise ascertainment of the number of bonds outstanding, which indeed seemed impracticable.

The Committee of the Council, to whom I referred the question, became satisfied that the company will be able to complete their line of road to Fishkill within the time specified by the act, without further aid from this Commonwealth, as appears by their report, a copy of which is herewith submitted. Wishing, however, rigidly to test the conclusion to which the Committee of the Council had come upon this latter subject, I addressed to the Commissioners a supplementary communication, which expressed the doubts that still remained in my mind, and the want of full information, which, as it seemed to me, still existed, upon certain facts bearing upon the question; and a copy of this communication, and of the reply of the Commissioners, is also herewith sent to the Legislature.

By this reply, the validity of the acceptances of the Erie Railroad did not appear to be established, and I was not able quite to concur with the opinion of the Commissioners that it would seem a fair estimate to offset the accruing interest money, which the company would apparently be obliged to pay, against the earnings of the road. Up to this time it had been assumed that the full period allowed by the act for the completion of the road to Fishkill might be occupied in doing the work. It was obvious that an amount of about \$3,000,000 would become due for interest before the end of that period. By the last exhibit of the Commissioners, the sums to be paid by the company exceeded their pecuniary resources, now within their control. There were also certain other matters of detail concerning which I desired further information. I therefore presented certain inquiries to the officers of the company, a copy of which, and of their replies

ereto, and of an accompanying opinion of Mr. William M. Evarts is transmitted to you.

By these replies, it appeared that it is the purpose of the company nearly or quite to complete their line of road to Fishkill during the present year; and, upon personal conference with Mr. Ashburner, one of the Commissioners, himself a civil engineer of large experience in this kind of work, I became satisfied that this may be done. This early completion of the road will greatly diminish the amount of interest to be paid.

This opinion of Mr. Evarts was submitted to the Attorney-General, and he deemed it satisfactory to establish the liability of the Erie Railroad Company for the bonds which they have received. But it should now be stated that the acceptances of the Erie Company have since been anticipated by the cash payment of the whole amount.

Upon the whole case, as thus presented, the question then remained, what rule should be adopted as a guide by which to determine whether the company will be able to complete their line of road to Fishkill without further aid from the Commonwealth? Were they to be required to demonstrate mathematically an actual present ability, from means now within their control, to meet the necessary disbursements? Or, would they meet the requirement of the statute by making it appear to the satisfaction of the reason and conscience that in all human probability they will be able to accomplish the work? Accepting the latter as the true rule, bearing in mind the valuation which the public have now for a long time put upon the shares of the company, and believing that this indicates the existence of a borrowing capacity on the part of the company yet remaining, which is equal to the difference between the required disbursements and their present actual means, I felt constrained to grant the first instalments of the loan in accordance with the certificate of the Commissioners. Five hundred thousand dollars expressed in sterling bonds have accordingly been already delivered.

My individual judgment is adverse to the practice which has sprung up of late years in the Legislature of granting large sums of money conditioned upon the discretionary action of the Governor and Council. It may well be doubted whether in some instances of this kind the Executive Department has not been charged with a trust of finance which belongs peculiarly to the Legislature. However that may be, acting under a responsibility to execute the law, and after an amount of time, care and thought bestowed upon this case which is by no means represented in the brief terms

of the present statement, I have seen my way and duty to consummate this loan. I think it proper that the paper relating to the question should be made known to the Legislature; and I have confidence that the progress and completion of the road, and its future working operations, will sustain the result I have reached, and confirm my opinion of its importance in the commercial interests of the Commonwealth.

DISEASE IN CATTLE.

During the past season a considerable degree of interest at times amounting almost to general concern, has been awakened by the appearance of a malady among the cattle. Its most marked development has been in Texas or Cherokee beeves; but these, when transported to the North and East in the spring and summer months, have endangered the kind in all the States exposed by their transit and stay. Acting in co-operation with the Executive heads of many of the States, and in compliance with the request of some of our own citizens most intelligent in the subject, I appointed Commissioners to have charge of the field of inquiry, and to see to the enforcement of the laws provided for such cases. So inadequate as to the compensation of the Commissioners are the provisions of chapter twenty-eight of the acts of 1862, under which alone such appointment could be made, that I found it impracticable to obtain the services of any person upon the commission whose scientific or professional studies peculiarly fitted him for this particular investigation. In a matter so profoundly interesting in its relations to political and domestic economy, affecting directly the property and health of the people, the limitations of the statute in effect deprived the State of the official service of a reputable physician or veterinary surgeon. But the good will and patriotic spirit of two men of practical wisdom enabled me to so far organize the commission as to keep watch at the frontier points of delivery of cattle to our railroads, and, generally, to protect our markets and herds.

Late in the autumn I further appointed Dr. E. F. Thayer, a veterinary surgeon of approved repute, to represent this Commonwealth in a convention of Commissioners from several States, held in Springfield, Illinois, for the consideration of the whole subject. Twelve States were represented in this assembly, whose deliberations resulted in the approval of a series of measures to be recommended to the Legislatures of the States. These will be found contained in the report of the Commissioner, which is now transmitted to the General Court.

CAPE COD HARBOR.

my last annual message I expressed my readiness to approve the plan of the Commissioners for the protection and preservation of the harbor at Provincetown so soon as the Legislature should enlarge the appropriation sufficiently to meet the estimate of cost. A further appropriation of ten thousand dollars was made; and I have now the pleasure to communicate to the General Court the complete success of the undertaking.

The protection and preservation of Cape Cod Harbor, so important to the State and nation, has been a subject of interest for many years. The United States Engineers have drawn it their attention from time to time since the first hydrographic survey by Col. J. D. Graham in 1833-4-5, and various works have been undertaken there, mostly, however, on small proportions. Col. Graham called the attention of the Government to the importance of closing up East Harbor Inlet, and pointed out the danger of the ocean breaking through the low and narrow gaps in the outside beach at the head of the meadows." Various Boards of United States Engineers and State Commissioners have examined and reported these sources of danger, and plans have been proposed for closing the Inlet of East Harbor; one for a strong stone wall of double walls filled in with sand, and one for a dike loaded crib work.

Circumstances, however, seem to have prevented action in regard to any of these proposed improvements, until, in the opinion of those most familiar with it, the condition of the harbor became so critical that a special Board of State Commissioners was appointed, with an eminent hydraulic engineer, Mr. James B. Francis, as its chairman, for the purpose of devising practical means for the "protection and preservation" of the Harbor.

As a basis for study and action, this Board called upon Prof. Benjamin Peirce, Superintendent of the United States Coast Survey, for a thorough survey of the ground in question, in order to show, by comparison with the survey of Col. Graham, the character and extent of the changes which thirty-two years had effected. This survey was executed by Assistant H. L. Whiting of the Coast Survey, and showed conclusively that changes injurious to the Harbor had occurred and were progressing. To prevent these injuries it became necessary to close the Inlet of East Harbor.

It should be noted that this Inlet was a powerful tidal water-way more than a thousand feet in width, through which the column of the tide of Massachusetts Bay, ranging

from nine to sixteen feet in height, rushed in and out, filling and emptying "East Harbor"—a lagoon containing an area of one thousand acres at high tides. The material of the sides and bottom of this Inlet was coarse, loose sand, affording no foundation for any solid structure. Closing this Inlet and stopping a water-way far more powerful than the either the Connecticut or Merrimack Rivers, at Springfield or Lowell, was a problem of great uncertainty, and the solution a novel one in the history of our coast or harbor improvement or river damming.

The plan of the structure prepared by Mr. Francis was the result of careful examination and profound study, and involved an estimated expenditure of \$149,134.80. The making of this appropriation was passed by the Legislature on the 19th of May, and the plans of the Commissioners were at once approved by the Governor and Council. As no contracts or other definite arrangements could be made before the act of appropriation, a short working season was left for the Commissioners to collect material and concentrate forces at East Harbor. Active operations were commenced there on the 26th of June, and on the 4th of November the Inlet was successfully and permanently closed.

The work which has produced this important result is a timber dam of great strength and perfection. A foundation for this structure had to be created. This was done by double rows of sheet piling, driven from twelve to forty feet into the sand, then cut off just above the bottom surface of the channel and heavily planked over, to prevent the water in its pressure, from bursting through the treacherous material beneath the structure and undermining it. Guard wings were also built on either side of the Inlet, with sheet piling driven equally deep and carried far up into the sand on the shores above high water.

So complete have been all parts of this structure that not an accident or an interruption has occurred during its progress, nor a single fault, which, if allowed, might have involved the failure of the whole work. When all was ready on November 4th, the main superstructure of the timber dam was shut down—like an immense water-gate—during the period of *one tide*. All that now remains to be done is to fill in sand, in accordance with the original plan, covering the whole wooden structure and forming a dike as solid and permanent as the shore and beach on either side of it. About one thousand cubic yards of sand are now filling in per day, at which rate the embankment will be completed in a few months.

character and proportions of this work may be better understood by stating that it contains about one million feet number; that three thousand piles have been driven in and, most of them to an unusual depth in such material. Sixty tons of iron have been used, and six thousand tons of stone,—the latter as a guard to prevent the tearing action of water through the sand. A large number of sand bags have also been used for the same purpose, and many more held in reserve. This structure, which has closed East Harbor Inlet, is altogether worthy of the reputation of Mr. Francis, the engineer who planned it. Although somewhat outside from his accustomed field of labor, every condition of success, as well as every danger, was anticipated. The estimates were made with such precision as almost exactly coincide with the actual outlay.

Before any work was undertaken at East Harbor, Mr. Francis resigned his connection with the Commission, and Paul Hill appointed in his place. Great credit is due to the untiring zeal and energy of this gentleman, under whose immediate direction the work has been principally conducted. By his rapid execution, and rare ability to meet every emergency, he has prevented any waste of the money of the State. The other members of the Board, General R. A. Lee, and Mr. James Gifford, have shared in this spirit and action, and the labors of this Commission have not only been executed with great energy and complete success, but with economy quite unusual in works undertaken by the State. And we may expect here the unusual gratification of an important work costing less than its appropriation by a margin of between twenty-five and thirty thousand dollars—or sixteen per cent.

Important work has been done by the General Government during the last six months, under the able supervision of General J. G. Foster, of the U. S. Engineers, in addition to the works previously constructed for the preservation of the harbor.

At Beach Point, an extensive bulkhead of brush has been constructed, extending from the termination of the old wooden bulkhead to the extremity of the bridge across East Harbor Inlet—a distance of one thousand feet—having along its whole length jetties fifty feet apart and fifty feet in length. The construction of the bulkhead and jetties, being of brush interlaced around and between rows of pickets driven firmly into the sand and weighted with layers of stone interspersed throughout the mass of brush, has made the most admirable and effective beach protection that has ever been provided.

for these wasting shores. Its adaptation to the case in question is already manifest by the accumulation of sand on the shore of Beach Point. General Foster intends to extend this bulkhead to the southward over the site of the former wooden structure, and also, if necessary, to extend it northward, and unite it with the Commissioners' Di-ke.

As there appeared well-grounded apprehension that the encroachment of the ocean upon the outer beach opposite the head of the meadows would result in the sea breaking through the narrow ridge of sand in some great storm, it was decided by General Foster to construct a subsidiary dike across the meadow at the "wading place"—opposite High Head—so that even if a break should occur in the outer beach, the sea would come no farther towards the harbor.

Upon Long Point, near the light-house, about one hundred sand tons of stone have been uniformly distributed along the beach, and, with the stone previously placed there, serve as an efficient protection against the abrasion of the waves and currents upon the shore.

An excellent understanding exists between the U. S. Engineer in charge—General Foster—and the Engineers and Commissioners of the State, leading to a cordial co-operation in all plans and works calculated to improve and protect the important Harbor. And I desire to express a public obligation to Professor Peirce, to his Assistant, Mr. Henry Whiting, and to General Foster, for the prompt and efficient assistance which they have constantly rendered.

I have thought it advisable to explain this work somewhat in detail on account of its intrinsic importance, and especially in order that full information as to the subject may be at hand in an official form whenever the State shall call upon the federal government for reimbursement, as contemplated in the original act of appropriation passed in 1867.

MASSACHUSETTS WAR CLAIM.

I have the honor to lay before you two communications dated respectively November 25th and December 11th, from the State Agent at Washington, Lieut. Col. Gardiner Tuttle, setting forth succinctly what has been accomplished since the close of the war in settling our military claims against the United States. Until the beginning of the year 1867 the preparation and presentation of our accounts for these claims was under charge of the Auditor of the Commonwealth. In February of that year I withdrew this business from the office, and have caused it to be conducted since under my

own supervision. During the administration of my predecessor five different accounts, for the aggregate sum of \$3,501,766.50, had been presented against the United States. If this sum, when I came to the executive office, there were suspended or disallowed items to the amount of \$946,006.76, and none of these suspensions or disallowances had been revoked. My first measure was to commit the accounts, with all the papers appertaining to them, to Colonel A. G. Browne, Jr., the military secretary of my predecessor, to examine them critically, and report what in his opinion could be accomplished towards removing the objections raised by the United States, and the best mode for doing so; with instructions to consult with me personally from time to time in the progress of his investigation. This task occupied Colonel Browne for several months, and in August, 1867, he made a report advising that all but a comparatively inconsiderable portion of the items suspended or disallowed could be reinforced by such additional proofs and explanations, as, under the amended rules of the accounting officers of the United States, would procure the withdrawal of the objections. And he recommended that the business of preparing these proofs and explanations, (many of which, from his acquaintance with our military administration during the war, he was himself able to suggest,) should be intrusted to some special officer who should be able to superintend it here and also to present them personally at Washington. This recommendation concurring with my own judgment, I selected and detailed for that duty, Lieut. Col. Tufts, whose reports above referred to show the gratifying result that out of the amount of \$946,006.76 disallowed or suspended on those five accounts, \$932,113.77 (or more than 98½ per cent.,) have been allowed and collected during the year 1868; and also that, on a sixth account for \$33,498.29, prepared and presented during the year, \$31,502.79 have been allowed by the third auditor. The success which these figures indicate is the best evidence of the intelligence, discretion and fidelity with which the work has been executed. And I may add with propriety that it confirms in a most satisfactory manner not only the fact that our military expenditures in behalf of the United States during the war were made with scrupulous integrity and excellent judgment, but also the fact that our accounts were kept with corresponding skill and accuracy. The entire expense to the Commonwealth of these protracted and voluminous proceedings has been only about one-half of one per cent. of the amount recovered. In this service, distinguished not

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more by the result than by the industry and fidelity accomplished it, the labors of Col. Browne, Lieut. Col. and Mr. Julius L. Clarke have been conspicuous.

BOUNTIES—PAST AND FUTURE.

Under my order, the Bureau of the Paymaster was closed in February last. From the passage of the bounty law January 1st, 1869, the whole amount of payments made may be stated as follows:—

Advance—Army, ...	\$9,595,157
“ Navy, ...	83,098
Monthly, ...	3,073,217
	\$12,751,465

There is a considerable amount of unpaid bounties and claims which should for the most part be treated as *double* or fraudulent, and classified as follows:—1st. Bounties apparently due—the soldier's record being clear, but no application for the amount having been made by him or by his heirs. The amount of this class is small. 2d. Doubtful claims—in which cases the evidence of enlistment or service is incomplete, and, if the missing evidence be supplied, the bounty would become due. 3d. Improper and fraudulent claims. This class would include men who enlisted, and being incapable of performing service, were discharged without United States pay, but who claim the State bounty; and bounties of deserters, claimed by agents holding orders from the soldiers, and who advanced, or profess to have advanced the bounty before desertion.

It is estimated that these amount altogether to a total of about \$370,000.

Although the amount of bounties really due, or which will become due in the future by the required evidence being supplied, will not probably exceed \$25,000 or \$30,000, the State might be made liable for a large part of the foregoing estimate by relaxing its watchfulness, or by unwise legislation opening the door for the payment of any of these improper or fraudulent claims.

To guard the Treasury against such exposure, at the close of the past year I issued an order directing that bounty claims shall first be submitted to a commission appointed by the Governor for investigation, and that, if found to be justly due, they shall, upon the approval of a majority of the Commissioners, be allowed and paid upon new rolls vouched

and approved according to the orders heretofore issued by the Executive. I beg leave to remind the General Court that so well preserved, classified and understood are the records of this department, that rarely can a just claim come to the Legislature on appeal from rejection by the Executive. The danger of inconsiderate liberality towards this class of cases will increase as time shall elapse.

I transmit a communication from that excellent officer, the late Paymaster, Mr. William H. Porter, relative to the condition of the records of his department. The names of all the soldiers appearing upon pay-rolls are now registered, forty-two thousand in number, so arranged that for the purpose of reference the index is now complete. When the work shall be finished, the books will be indispensable, not only for reference to the original vouchers, but as ledgers giving the bounty account of each soldier. Completed, they will exhibit a system as nearly perfect as that of any government; and, for the amount of bounties paid and for the manner of their payment to the soldiers of Massachusetts, they cannot fail to warrant the patriotic pride of every citizen.

THE INLAND FISHERIES.

There is one feature of the official transactions of the last three years which relates to the development of a branch of industry allied to agriculture, of special value in point of view both of science and practical use. I refer to the labors of the Commissioners who have had in charge the re-establishment and protection of inland fisheries. Although the deep-sea fisheries have always been regarded as a productive source of wealth and power, encouraged by bounties and protected by treaties, yet, until within a very recent period, the profit and advantage of stocking our own streams had never been realized or even estimated. In 1856 Commissioners were appointed by the Legislature to investigate the subject of artificially propagating fish; but their labors ended in a few experiments and a report. Nearly ten years passed before attention was again attracted to the subject by the complaints of New Hampshire and Vermont of the damage we had done to their fisheries by artificial dams on the Merrimack and the Connecticut. In our efforts to encourage manufactures, we had thoughtlessly barricaded those great rivers against the ascent of fish. The propriety and justice of these complaints were recognized at once; and, in April 1865, the appointment of commissioners, Mr. Theodore Lyman and Mr. A. A. Reed, was authorized to investigate

them, whose report, rendered in December 1865, created interest in the subjects which it treated as universal, and which had been the previous ignorance or indifference. It set clearly the quantity of fish formerly taken in those rivers, the diminution of it through obstructions and pollution of the water, the method of constructing fishways, and the natural history of the salmon, the shad and other valuable fishes, which once abounded in our streams; and explained how the work of re-stocking must be of gradual progress, from which few results popularly appreciable could be counted on in less than five years.

In May 1866, the appointment of the present board of commissioners (Mr. Lyman and Mr. A. R. Field,) was authorized by the General Court, and a small appropriation made for river improvements, to be expended under their direction. Before the beginning of the next year, through the cordial co-operation of the mill-owners of Lawrence and Lowell, the Merrimack was opened by fishways; and (which was more important,) general attention was drawn to, and public interest excited in, the methods for re-stocking not only that river, but all our streams and ponds. By the law of 1867, the general powers of the Commissioners were enlarged, authority was given to them to cause fishways to be built over all dams, and to re-stock ponds as well as rivers, and the fishing for shad or salmon in the Merrimack was prohibited for five years. During the remainder of that year they gave special attention to the artificial propagation of fish, and the report which they rendered a year ago stimulated in a most gratifying manner the interest of the community in that branch of the general subject. On the Connecticut the breeding of shad, by the processes described, was undertaken on a large scale. On the Merrimack large numbers of shad were taken into the waters above the dams, and left to breed there naturally. But, in regard to the building of fishways during the year, the mill-owners of Holyoke, on the Connecticut, being called upon to follow the example of those of Lowell and Lawrence on the Merrimack, showed themselves not moved by the same public spirit, and even threw obstructions in the way of the Commissioners, to which I asked the attention of the Legislature of 1868, who voted an appropriation to make a fishway over the dam at Hadley's Falls, in case the water-power company should not be liable to build it. The Commissioners' report for 1868, which I have the honor herewith to lay before you, sets forth fully their present relations with that company. The fishway has not been built, for reasons which are there stated, and to

which I ask your especial attention, since we owe to New Hampshire and Vermont an explanation of the causes of delay.

I beg, also, your consideration of all the lesser points on which the Commissioners suggest the expediency of legislation, among which they mention the need of protecting the white perch in the same manner as the smelt, and of amending all statutes which now protect pickerel, so as on the contrary to hold out inducements to destroy them; and particularly the need of co-operative legislation with Connecticut to check the indiscriminate slaughter of young shad by the pound-fisheries. That State has already passed a statute on the subject, limited to take effect on the passage of a similar act by Massachusetts. And to the further recommendations of the Commissioners for a general revisal of all our statutes on the subject of inland fisheries, for the withdrawal, so far as the Legislature may have power to do so, of the public privilege of free fishing in the rivers and great ponds, and for the enactment of laws giving to the raisers of fish some measure of the security of their rights of property which we afford to the raisers of other live stock, I beg your earnest and favorable attention. The need of all this is so fully and simply expressed by the Commissioners themselves, that I have only occasion to add that I am personally convinced of the wisdom, policy and expediency of all the measures which they urge, as demanded for the advancement of a branch of industry which promises a great and certain increase of domestic comfort, private wealth and public revenue.

I cannot leave this topic without adding what will meet from no one with more cordial concurrence than from his fellow commissioners, that what has been accomplished in this new and important field is due chiefly to Mr. Lyman, who, working with a rare combination of enthusiasm and persistency, has already gained results which are no less gratifying to the political economist than to the natural philosopher.

THE DEPARTMENT OF CHARITIES.

The work of the Department of the Charities, Reforms and Corrections, in the extent and variety of its details, exceeds that of any other Bureau of the State government. Official duty and personal interest have combined to lead me to a close examination of the system which controls them, both as originally adopted and as modified by successive Legislatures, and to a continuous observation of its workings.

As the result, I have assured myself that this system is well adapted to the needs of the Commonwealth at the time of its establishment, and that the alterations necessitated by exigencies then unforeseen have been devised in a spirit of judicious liberality. I find, of course, defects, some of which are inherent and inevitable in any system, and cannot be entirely obviated by excellence of administration; others which doubtless are but temporary, and for which future legislators will unquestionably provide, whenever they are persuaded that the remedies suggested are sound and feasible. It is too much to expect that any code of law, or any organization under the law, designed to remedy human imperfections, will itself be perfect. But when faith in humanity is combined, in its advisory and executive offices, with intelligence and high culture, with a matured judgment, strong will, and resolute fidelity of performance, we can confidently look for an abatement of some immediate evils, and for a future solution of many difficult problems in the treatment of the pauper, the lunatic, and the criminal.

Such a supervision I am convinced that we enjoy, and that the State has been peculiarly fortunate in the wisdom of the Legislature of 1863, which, after thorough investigation and discussion, created the Board of State Charities. In the high character and ability of its successive chairmen, Oliver Norcross and Dr. Samuel G. Howe, in the industry, energy and great ability of its secretary and general agent, whose retirement from office is a most serious loss to the Commonwealth and to humanity, and in the working capacity and the honesty of its subordinate officers, has been found an example of that combination above alluded to, which has wrought remarkable results. Though subjected to harsh criticism and unreasonable opposition, proceeding mainly from those unfamiliar with its specialty, or from interested parties affected by its measures of reform; and though hampered by delay in obtaining much-needed legislation, it has advanced quietly in its work till it has remodelled the whole arrangement of our charities. Retaining whatever experience had proved to be good under the former supervision, it has abated many existing evils, cut off excrescences, introduced a successful classification, and, replacing jealousies between institutions with cordiality and willingness of co-operation, has greatly promoted their internal discipline, as well as the economy of their management. On referring to its record, I find among many other measures of utility the following which I deem it fitting to mention.

It has brought about the closing of the needless and expensive hospital at Rainsford Island, and inaugurated a system of providing for the sick poor of the State in their respective localities, with partial or complete reimbursement to the cities and towns from the Treasury of the Commonwealth,—a policy dictated alike by justice and humanity.

It has effected an extension of the laws of settlement, thereby preventing hundreds of surviving soldiers and of the widows and orphans of the dead from being driven to the State Almshouses, and so has probably rendered needless for years to come the creation of any more large public institutions.

It has provided agents to visit the thousands of children apprenticed from our Almshouses and Reformatories, many of whom had formerly been grossly defrauded and abused without remedy or protection. It has carried through the establishment of the State Workhouse at Bridgewater for the restraint and employment of the vicious and vagrant poor, thereby nearly superseding the almshouse on the same premises. Under the able and judicious management of the superintendent, Mr. Geodspeed, this experiment is proving a complete success, not only in controlling but in preventing voluntary pauperism, in preserving infant life, and compelling some pecuniary return to the Commonwealth for the burden thrown upon its Treasury by idleness and vice.

It has put in operation the State Primary School at Monson, by which agency hundreds of children are relieved of the disabilities of pauperism, removed from the exceptional classes, and restored to society as profitable producers instead of dependent consumers.

It has secured the establishment of the Lunatic Asylum on the premises of the State at Tewksbury, for the reception of the chronic insane, thus relieving the Commonwealth from the erection and maintenance of a new Lunatic Hospital, and providing remunerative employment for large numbers of the insane.

It has collected and collated a vast amount of statistical information, undervalued perhaps by too many at home, but eagerly sought for and made the basis of legislative action by other communities.

In the five years of its existence, its officers have examined more than 50,000 immigrants and 20,000 paupers; have removed from the State or otherwise provided for 10,000 paupers, including 550 lunatics, (or enough to fill two additional hospitals,) most of whom would have been

permanently chargeable, and has paid into the Treasury more than \$131,000.

While effecting these wholesome reforms, the Board has done nothing to increase the number of public dependents, for the average in our institutions has decreased 13 per cent. within the five years of its existence; neither has it made any undue draft upon the Treasury, for its collections have covered its expenses, leaving a large surplus; while the total expenditure of the State for the past year, in the department of pauperism and lunacy, will not reach \$300,000, and, reducing currency to gold, does not exceed the annual outlay of twelve years ago.

In my annual message for 1867, I had the honor to recommend that provision be made within our own limits for the education of the deaf-mutes of the Commonwealth. Regarding this suggestion with favor, the Legislature of that year incorporated the Clarke Institution for Deaf-mutes, located at Northampton. Through the munificence of the patron and constant friend whose name it bears, and with but moderate assistance from the State, it was put in operation in October of the same year, under the charge of an enthusiastic and self-sacrificing lady, whom I mention for the sake of honor,—Miss Harriet B. Rogers. Several visits, induced at first by a sense of personal responsibility, have awakened my deepest interest in its welfare. The method of articulation, which is there used to the exclusion of all others, was not regarded by experts with unanimous favor, but its practical success surpasses what I had deemed to be possible. In fact one hardly knows which most to admire, the ingenuity and the philanthropic zeal of the teacher, or the wonderful progress and attainments of the pupils. Already from distant States is heard the voice of inquiry and approval; and I trust that our own successive Legislatures will continue to cherish with the kindest care this latest of the benevolent institutions of Massachusetts, which is opening a new world to the fettered mind and is literally teaching the dumb to speak.

I cannot close this statement of the official action of this Board, without adverting again to the high order of talent which has been so freely bestowed for the public service in one of its departments, and which should be generously remembered by the people of the Commonwealth. The Secretary, Mr. Frank B. Sanborn, at the call of my predecessor, brought to his arduous task great native ability, and the resources of a mind well stored with varied learning and controlled by the instincts and training of a scholar. To his industry and

research we owe much invaluable statistical information, and facts and suggestions of the utmost importance, touching the moral and economical management of our Prisons and Jails, which will doubtless form the basis of future legislation ; and it is to his extensive acquaintance and correspondence that we are largely indebted for that publicity of the proceedings of his Board in other States and foreign lands, which has so materially enhanced the reputation and the influence of Massachusetts. My regret at his retirement will be shared by all who believe in judicious progress and who love humanity.

Nor can I permit the retirement of the general agent of the Board, Dr. H. B. Wheelwright, to pass without an expression of obligation. It does not easily occur that for the period of eleven years a State receives from one of its officers the benefit of so great executive ability, coupled with so philosophic comprehension of the subjects of investigation. With uncommon quickness to detect the meritorious from the undeserving, the rightful claim from the fraudulent pretext, with a knowledge of classes and cases derived from assiduous inquiry and quickened by sagacious perception, he has long been a master of his department and a conservator to the treasury. To him we are indebted for organizing at once the new system out of the old, and for demonstrating by produced results that economy and humanity may be united in the performance of this most delicate and difficult duty of administration. The files of the Auditor and Treasurer are evidence that no accounting officer has been more punctilious. Retiring from a broad field of labor in which he has, by untiring industry, kept the exceptional classes from vicious overgrowth, saving to the Commonwealth each year an amount which, under an administrator less faithful or intelligent, would have proved a heavy pecuniary burden, he has left on the records of the Board enduring proofs of his efficiency and integrity.

THE PHYSICAL SCIENCES—LOUIS AGASSIZ.

I regret to have to communicate to you the resignation by Mr. William Gray of the position of a trustee of the Museum of Comparative Zoölogy. The act incorporating the trustees, (chapter two hundred and eight of the acts of 1859,) provides that "the places of Louis Agassiz and William Gray, whenever the same or either of them shall become vacant, shall be filled by a concurrent vote of the Senate and House of Representatives." The retirement of Mr. Gray from a place in which for nine years he has rendered such eminent

services to the cause of education marks a point in the history of this institution, at which it may be neither unprofitable nor uninteresting briefly to review what have been its means and opportunities of usefulness, and what its improvements of them.

Since a period so recent as to be within the remembrance of all of us, the line of distinction between what were called the learned professions and the other avocations of society has been in a great measure effaced ; or, perhaps I should rather say, various other avocations have come to share with the professions a degree of responsibility for the common welfare such as was not formerly recognized. With the development of manufactures and mines, of commerce, of railroads and telegraphs, a higher capacity for command, a clearer distinction in its exercise and a more extensive education for its duties, have become necessary. The various establishments of instruction in the natural sciences (of which the Museum of Comparative Zoölogy is the most conspicuous) owe their development to this cause ; and, in turn, they themselves foster and promote the very cause in which they had their origin. To conduct successfully almost any great manufacturing establishment to-day requires from young men the practical application of a degree of scientific knowledge which fifty years ago was possessed only by a few and was acquired by them only as the result of long lives of study. And the same may be said concerning many other employments of our time. The Institute of Technology, at Boston, to whose funds the State has largely contributed, the Lawrence Scientific School at Cambridge, and the Worcester School of Industrial Science, founded on a liberal scale by private munificence, are landmarks in the same line of progress. Although the first of these has been in operation less than three years, its influence is already felt by the whole community. The last, though not yet fully developed, is rapidly approaching a position of general importance, adding in its system of instruction a department for the practical application of the mechanic arts,—a purpose which it is interesting to note was contemplated by Congress in its grant of public lands which we have applied to endow the Agricultural College at Amherst. It would be pleasing in this connection to set forth details of the progress and condition of all these various institutions ; but that would lead me into a dissertation beyond my purpose in speaking of the Museum at Cambridge.

When Professor Agassiz came to this country twenty-two years ago, he at once began to form a collection to illustrate

the history of the animal kingdom, and on this expended all his private means and put himself under large pecuniary obligations beyond them. He accepted and held the office of a professor in the Lawrence Scientific School of Harvard College, but the pecuniary aid which the college could afford him was very little ; and the only store-house for all his collections, including those gathered from his expeditions to Florida and to the great northern lakes, was a small and ill-built wooden structure, part of which he was obliged to devote to rooms for his students, artists and assistants. This in 1856 was the condition of the nucleus of the present Museum.

But in that year the magnificent private subscription of twenty-five hundred names for the publication of his work on *Natural History* was made ; and in 1857 the first volume was issued. The Museum was greatly increased by the specimens needed to illustrate this work ; and at last public attention was attracted to its importance, and a private subscription which yielded over \$72,000 was made in aid of it, the Legislature at the same time voting an appropriation of \$100,000 to be paid from sales of the Back Bay Lands. This appropriation was in singular conformity with that provision of the constitution (part 2, chapter 5, section 2,) which made it " the duty of legislatures and magistrates " " to cherish the interests of literature and the sciences and all seminaries of them," and " to encourage private societies and public institutions " " for the promotion," among other things enumerated, " of a *Natural History* of the country." On the death of Mr. Francis C. Gray, which occurred about this time, the Museum received the munificent legacy of \$50,000 and in accordance with his request took its present name of the Museum of Comparative Zoölogy ; and the act of incorporation was passed, from which I have already quoted. In 1861, the Legislature voted an additional appropriation of \$20,000 ; in 1863, the sum of \$10,000 was voted for the publication of illustrated catalogues ; in 1867, \$10,000 for the arrangement of the great Brazilian collections ; and in 1868 a further appropriation of \$75,000, to be paid in three annual instalments of \$25,000 each, conditional upon the raising of the same annual amount by private subscription. I had the pleasure of signing the warrant for the payment of the first instalment on the last day of the year which has just expired.

Excluding from consideration this last grant, the whole sum which the State has contributed to the Museum during the last ten years is \$140,000 ; and during the same time it

has derived from legacies and private gifts about \$175,000 to all of which must be added, what is hardly capable of being definitely computed, the sum spent meanwhile by Prof. Agassiz from his own earnings and the tuition fees of his students, (which last, however, he has almost always remitted to them.) The investment of this total sum of about \$315,000 has been substantially as follows: in a permanent fund, \$15,000; in the building, \$75,000; in the scientific expedition to the Amazon, more than \$30,000, the whole of which was given for that special purpose by one individual, Mr. Nathaniel Thayer, of widely known liberality and public spirit; for the purchase of collections, of glass, alcohol and other materials upwards of \$60,000. During the same time there have been received as income of invested funds upwards of \$70,000, which have been expended in increasing and arranging the collections.

If, now, in behalf of the State and the community we should undertake to strike a balance sheet, as a merchant would do in his business, and compute what has been gained to the public from this pecuniary investment, some of our gains might be enumerated as follows.

First. It has secured in Massachusetts larger and more complete collections in several grand departments of natural history than the British Museum or the Jardin des Plantes have acquired from a century of liberal government patronage.

Second. In the arrangement of these collections, even to the limited extent to which the pecuniary resources of the Museum have enabled it to be carried, it has presented to the scientific world a plan of classification and exhibition more admirable than was ever before attempted or even designed, its grand outline being to illustrate the plan of creation so far as it lies within the comprehension of the human mind.

Third. It has educated gratuitously a large part of the younger class of naturalists in this country, who now in turn are teaching in the schools and colleges of almost every State, and some of whom have already attained a reputation not limited to America; and in educating them it has afforded greater facilities for the comprehension of their special subjects of study than they could have obtained anywhere else in the world.

Fourth. It has supplied free of charge to every trustworthy scientific man in America or Europe, who chose to apply, all the specimens in its possession for his free investigation,—a purpose never before carried out on such a scale by any Museum.

Fifth. It has given courses of lectures every year, free of charge, on the higher branches of Natural History, to all teachers of either private or public schools who should choose to attend them.

Sixth. It has published a series of valuable scientific works and supplied material for many more.

And lastly, it has secured to the United States one who without contest is conceded to be not second to any philosophic zoölogist now living; who during his residence of twenty years with us has given to scientific pursuits in this country a new and previously unknown impulse; has made the scientific attainments and achievements of Americans known and respected abroad; and has concentrated in Massachusetts unequalled facilities and incitements for this class of studies.

All which has been accomplished at a cost less than that of a small cotton mill.

I have deemed it proper to invite attention to this recent feature of our system of education. It has been the most agreeable of my official duties to give frequent attendance at the schools, to become familiar with their wants, and to encourage the adoption of all unquestionable methods of advancing their influence. And, in retiring from that relation of duty to the institutions of learning which the Constitution imposes upon the Executive, I take special pleasure in commending to public respect the example of the men and the seminaries that have been pioneers in adapting our system to our necessity. The five classical colleges of the Commonwealth are secure upon permanent endowments and certain patronage. The discipline and culture of their rich and varied instruction is imparted to constantly increasing numbers within their walls, and diffuses its beneficence over all classes. But, for the intense life of our time, for an age of commerce, mechanism and all the arts, yet other and specific policies and adaptations of education are needed. The work of supplying them has begun, and no degree of public or private favor in carrying on the work can exceed the demand.

HOOSAC TUNNEL CONTRACT.

The Legislature of 1868, by chapter 333 of its acts, authorized the Governor and Council to contract for the whole work of constructing the Hoosac Tunnel, limiting the price to five millions of dollars and the time to seven years, with satisfactory guarantees, and further providing that one million of dollars should be withheld from payment until the work should be finished and accepted. A supplemental act, chap-

ter 850, modified the former by authorizing the expenditure of two hundred and fifty thousand dollars, (taken from the five millions,) upon the continued prosecution of the enterprise under existing contracts and in paying off present liabilities, and by further providing that under any contract for the completion of the Tunnel twenty per centum should be reserved in the payment by instalments. This action of the legislature was on the eleventh of June, and, immediately after the prorogation of that body, the Governor and Council adopted measures for advertising for proposals. The bids were opened on the first of September. It will be seen by an examination of the statement which I have the honor herewith to transmit to the General Court that these were twelve in number, of which five only came within the amount remaining at the disposal of the Governor and Council, (four million seven hundred and fifty thousand dollars,) the others exceeding that sum.

In considering these proposals for the contract, the first question which arose, was, what should be deemed "satisfactory guarantees." Several parties were ready to offer a bond with sureties; but, for various reasons, too obvious to need repeating, and especially in consideration of the long period which any bond must cover, I deemed it my duty to decline every such offer. It only remained to require an actual deposit of approved public securities of satisfactory amount. To establish this amount involved the exercise of individual discretion, and to some extent the adoption of an apparently arbitrary standard. After much reflection and consultation with the Council, I settled in the conclusion that the amount to be deposited should be five hundred thousand dollars. It seemed to me that such a sum in hand, together with the retention of twenty per centum in making payments, ought to be accepted as satisfactory guarantees against the risk of an abandonment of the work by contractors, which would probably be more imminent in its early than in its later stages. Another and important element in the estimate of guarantees, and primary to every other, was to be found in the character and fitness of the men who should be admitted to the contract. In my judgment the requirement of so large a deposit would quite certainly exclude all persons who could not command public confidence, and would keep the undertaking from the hands of mere adventurers and speculators. I believe that such a result has been attained. Nor was it in my mind any objection to the demand of a positive and large security that it might involve the declinature of the lower bids and an approach to the highest; for the economy of a State,

an individual, may lie in the acceptance of the larger coupled with the greater certainty of fulfilment. The act finally made was with the third in the order of the acts, and was in accordance with the guarantees required, but, modified only in form, have been substantially obtained.

The contract for the construction of the Hoosac Tunnel executed on the twenty-fourth of December by the Governor and Council, with Walter Shanly, of Montreal, and Francis Shanly, of Toronto, Canada, for the sum of four million five hundred and ninety-four thousand two hundred sixty-eight dollars, (\$4,594,268,) to be paid in United States Treasury notes or other current funds. I herewith communicate to the legislature a copy of this contract. Before committing the Commonwealth to the agreement, its terms were examined and discussed by the Governor and Council, from day to day, for the greater part of a month, with every aid which could be derived from experience and testimony. The contractors bring to this enterprise the advantages of large experience in railroad construction and mining, of distinguished reputation in the community where they reside, and of command of financial resources, themselves stimulated by confident expectations of profit. They have already commenced the preparation; and one of them at least will transfer his residence to the field of operations. For the details of the contract, I refer to the instrument itself, but a few of its provisions demand specific mention.

It is agreed that no sum whatever shall become due to the contractors until after work to the amount of five hundred thousand dollars shall have been performed by them and approved by the Governor and Council. It will be readily perceived that for the period of two-thirds of a year, more or less, and through that stage which will probably be decisive of the result, they are to work without cost or recourse to the Commonwealth. Again, the reserve of a half million is equivalent to twenty per centum of two and a half millions, or almost five-ninths of the entire price, which by the provision for reservation under the law alone would not be attained in a less period than two years and a half. The first of the two acts referred to required the withholding of a million dollars until after the completion of the Tunnel; the second required only the reservation of twenty per centum, which under the present contract would amount at the end to only about nine hundred thousand dollars; and the second act changed and so far repealed the first. But the contract is in careful conformity to the intention of both acts, speci-

fically withholding the twenty per centum on each of the instalments, and further providing that the full sum of a million dollars shall be kept back until the completion of the whole work. The statute extended the time for the construction to June, 1875; but the contract limits it to March, 1874, within the discretion of the Governor and Council to grant a further extension of six months. It was also made a part of the agreement that at any time, on three months' notice, the Governor and Council may terminate the entire contract. Without other statement of details, I invite the attention of the Legislature to the whole document, which is the result of the utmost care and deliberation of the Governor and Council to whom the Legislature assigned this grave and responsible trust.

I regard the completion of this enterprise as already assured within the terms of the contract. It is proper then to state what in that event will be the total cost of the Railroad and Tunnel. Excluding interest, the whole amount that will have been expended on the Railroad from Greenfield to North Adams, including also the purchase of the Southern Vermont Railroad, according to the tables herewith sent to the Legislature, will be one million six hundred and sixty-six thousand two hundred and fifty dollars (\$1,666,250.) The amount already laid out upon the Tunnel itself and external works properly chargeable to it, including the payment for some work now approaching completion under existing contracts, is three million two thousand one hundred and seventy-six dollars (\$3,002,176.) The amount to be paid the Messrs. Shanly under the contract upon the final construction of the Tunnel is four million five hundred and ninety-four thousand two hundred and sixty-eight dollars (\$4,594,268.) The result therefore may be stated as follows:

Total cost of Tunnel including track, . . .	87,596,444 00
Total cost of Railway, ...	1,666,250 00
Total cost of Tunnel, and Railway, fifty miles in length, ...	\$9,262,694 00

If now there be added the cost of the other railroads connecting with this, and together with it constituting the through line from Boston to Troy, one hundred and eighty-nine miles in length, the result will show a united capital of not far from sixteen millions of dollars (\$16,000,000.) In this statement I make only a reasonable discount for that portion of the Vermont and Massachusetts Railroad diverging from Greenfield to Brattleborough. This line has already nearly sixty

of double track, the most favorable gradients, ample ties at deep water, a large real estate, a profitable localness, and a command, so soon as the mountain shall be reached, of the far-reaching connections which ally the manufactures and commerce of the East to the granaries of the West. I never have doubted, and I do not now doubt, that the whole line will be worth all it will have cost,—worth it directly, and for business,—worth it twice over indirectly, by developing now latent capacities and resources of this progressive community of more than a million and a quarter of souls, and by adding rapidly to the taxable property of the Commonwealth. I confidently look forward to the day, now so distant, when the four railways connecting Troy with Boston, the lakes by nearest transit with the sea, shall be consolidated in the interest of commerce, under one seal and one control. The three corporations which, by the contract made in 1863, must pay to the State the tribute of twenty per centum of all revenue received from traffic passing through the Tunnel or over any part of the Troy and Greenfield Railway, will then have a strong inducement for such an arrangement; the interest of the Commonwealth will favor it; the irresistible laws of trade and transport will demand it. In the negotiations and adjustments of that future day I can readily foresee that the Commonwealth need not be largely, if at all, the loser on its costly enterprise, regarded only as a pecuniary investment. And even if the treasury shall not then recover the whole of its disbursement, more than an equivalent will be received by the people in the economy of their commerce and the increase of their wealth. As I had the honor to say in my annual message to the Legislature in 1867, the value of great public works, conceived in the necessities of States, looking not to the specific returns of remunerative interest for a single year or a limited number of years, but rather to the compensation of internal commerce through successive generations, cannot be computed by the rules that govern private investment based on the promise of immediate profit. The finance of individuals comes within the limitations of present and personal interest; the investment of Commonwealths looks for a return in their complete development and in their enduring destiny. So have judged the great commercial and manufacturing States of New York and Pennsylvania; and so they have builded their material success on partial forgetfulness of immediate profit and on confidence in the longer and grander future. Massachusetts cannot afford to cherish a policy less broad than that which has conducted them to prosperity and greatness.

Senators and Representatives :

In administering the office of Chief Magistrate I have been filled with constantly increasing respect for the institutions of the Commonwealth which for a period of three years it has been my high privilege to guard with executive care. As any citizen, so well as they who from this post of observation have been called to keep constant watch of the whole field, can grasp in thought and affection the history, the growth, the felicity of the people of Massachusetts. In the discharge of my duty to be diligent in aid of their material wealth and power, of their schools and charities, and from the fountain of mercy to temper justice, it has been my opportunity to learn how strong, intelligent, just and humane is the community in which we live. To have been permitted to serve in official station a State so organized under forms of the highest culture and humanity, may justly be regarded as honor; but in private station there is honor also in every well meant exertion of the citizen to contribute to the welfare of all. In passing from one of these relations to the other, I unite with you in commending our Commonwealth to the continued favor of the God of our Fathers.

SPECIAL MESSAGE.

[To the House of Representatives, January 8.]

Boundary line
between Massachusetts
and
Rhode Island.

In consequence of repeated applications from some of the towns on the southern border of the State, to have the line between Massachusetts and Rhode Island in their vicinity established and defined, on the 30th of May, 1866, I dispatched Mr. Tappan Wentworth with a letter to the Governor of Rhode Island, calling his attention to the facts regarding that boundary, and asking his co-operation in adjusting the same in accordance with the agreement of the joint commissioners of the two States in 1846-7, in order to settle the limits of municipal jurisdiction in the adjacent towns.

The State of Rhode Island had previous to that date appointed commissioners to report upon the subject, with whom Mr. Wentworth has had frequent conferences. Having failed in his attempt to induce the State of Rhode Island to accept the line run by the joint commissioners before mentioned, he has made a report of his doings in the case, which is herewith transmitted.

I invite your attention to his suggestions touching the necessity of affirming by statute the line established by a decree of the supreme court, from Burnt Swamp Corner to the Atlantic Ocean. Respecting the line upon the northern boundary of the State, no legislation appears to be necessary, unless it should be deemed advisable to enter into a negotiation for a conventional line which does not appear expedient or prudent upon the facts and suggestions contained in the report.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties.] .

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
January 18,	Sarah Jane Jameson,*	Sarah Jane McGinnis,	Boston.
February 3,	James Freeman,	James Goldthwaite Freeman,	Boston.
" 3,	Willie Hammond Kenney,	Willie Hammond Hoerner,	Boston.
" 3,	George Washington Thaxter,*	Warren Everton Chase,	Boston.
" 17,	Cheesman Field Pollard,*	Cheesman Pollard Vinson,	Boston.
" 24,	Martin Timothy Flanagan,	Timothy James Martin,	Boston.
March 2,	Corrilla Evadne Hanson,*	Corrilla Frances Kittredge,	Boston.
" 2,	Ellen McKinney,*	Ellen Gannon,	Boston.
" 16,	Frances Louisa Smith,	Louisa Calkins Francis,	Boston.
" 16,	Corydon Porter Stockman,	Charles Porter Stockman,	Boston.

CHANGE OF NAMES.

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March 28,	Elizabeth Oliver, .	Elizabeth Oliver, .	Mabel Linnell, .	Mabel Linnell, .	Boston.
" 28,	Mabel Vickery,*	Mabel Vickery,*	Samuel Allen Gilbert, .	Samuel Allen Gilbert, .	Boston.
" 30,	Samuel Allen Gilpatrick,	Samuel Allen Gilpatrick,	Alice Luella Martin, .	Alice Luella Martin, .	Boston.
" 30,	Nellie Gertrude Luxton,*	Nellie Gertrude Luxton,*	Julia Bissell Kendall, .	Julia Bissell Kendall, .	Boston.
April 13,	Julia Bissell Le'Cain,*	Julia Bissell Le'Cain,*	Mary Catharine Kendall,	Mary Catharine Kendall,	Boston.
" 13,	Mary Catherine Le'Cain,*	Mary Catherine Le'Cain,*	Charles Oliver Parker, .	Charles Oliver Parker, .	Boston.
May 18,	Charles Henry Dugan,	Charles Henry Dugan,	William John Driscoll, .	William John Driscoll, .	Boston.
June 8,	John Edward Brown,*	John Edward Brown,*	Walter Rockwood Stedman,	Walter Rockwood Stedman,	Boston.
" 8,	Walter Rockwood,*	Walter Rockwood,*	George Marshall Barry,	George Marshall Barry,	Boston.
" 22,	Patrick Barry, .	Patrick Barry, .	Samuel Henry Wood, .	Samuel Henry Wood, .	Boston.
" 22,	Benjamin Franklin Coke,*	Benjamin Franklin Coke,*	Roland Murphy Barnard,	Roland Murphy Barnard,	Boston.
" 29,	Roland Barnard Murphy,	Roland Barnard Murphy,	Carrie Frances Harding,	Carrie Frances Harding,	Boston.
August 10,	Caroline Frances Yallalee,*	Caroline Frances Yallalee,*	Helen Gertrude Whiting,	Helen Gertrude Whiting,	Boston.
" 17,	Lilian Gertrude Hooper,*	Lilian Gertrude Hooper,*	Lillie Gertrude Pease, .	Lillie Gertrude Pease, .	Boston.
" 24,	Lillie Gertrude Steele,*	Lillie Gertrude Steele,*	William Joseph Alexander, .	William Joseph Alexander, .	Boston.
" 31,	William Joseph Shortz,*	William Joseph Shortz,*	George Washington Chesley,	George Washington Chesley,	Boston.
September 7,	George Washington Colony,	George Washington Colony,	Gertrude Scolley, .	Gertrude Scolley, .	Boston.
" 7,	Ida Etta Foote,*	Ida Etta Foote,*	George Odjorne Wilson,	George Odjorne Wilson,	Boston.
" 14,	George Wilson Vinal, .	George Wilson Vinal, .	Henry Augustus Eller,	Henry Augustus Eller,	Boston.
" 21,	Henry Augustus Meiring,	Henry Augustus Meiring,			

* Minor: names changed by reason of adoption.

SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
October 5, .	Edward A. Sly, ...	Edward A. Stevens, ...	Boston.
" 5, .	John Amory Lowell Putnam, ...	John Pickering Putnam, ...	Boston.
" 12, .	Emma Frances Burns,*	Emma Frances Chenoweth, ...	Lynn.
" 12, .	Mansfield Haskins, ...	Thomas Mansfield Haskins, ...	Boston.
November 2, .	Edward Hamilton Osgood, ...	Hamilton Osgood, ...	Chelsea.
December 7, .	Ida May Smith,*	Melvina Eunie Chapman, ...	Topsfield.
" 28, .	Louis May,* sometimes called Louis Shales, ...	Louis Shales, ...	Boston.

* Minor: names changed by reason of adoption.

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
January 14, .	Mary L. Goodwin,*	Gertrude Plumer, ...	Lynn.
March 8, .	Frank Morse Morrison,*	Frank Philip Morse, ...	Boston.
" 8, .	Richard Walden,*	Charles Henry Colby, ...	Lynn.
" 8, .	Annetta Robinson Sargent,*	Annie Florence Ormsay, ...	Lynn.
April 14, .	George Batchelder,*	George Elphinstone Waterson, ...	Newbury.

May 5,	John Francis LeBaron Patch,	John Francis LeBaron,	Ipswich.
June 16,	Eliza Ellen Willey,*	Harriet Ellen Willey Russ,	Salem.
July 7,	Iva Teresa Bartlett,*	Iva Teresa Holley,	Salem.
" 7,	Amos Warren Dorman,	Warren Dorman,	Lynn.
" 21,	Georgianna Welch,*	Georgianna Welch Poland,	Danvers.
September 1,	John George Murray,*	George Murray Foster,	Peabody.
" 1,	William Henry Lombard,	William Henry Haley,	Georgetown.
October 13,	Laura Brown,*	Carrie May Ingersoll,	Manchester.
" 20,	Edwin Little,	Edwin Colman Little,	Newbury.
" 20,	Arthur Stickney,	George Arthur Stickney,	Newbury.
November 10,	Hannah Woodbridge,	Anna Woodbridge,	Andover.
December 8,	Elliott Howard Stevens,*	Elliott Howard Weston,	Lawrence.
" 8,	George L. Young,*	Charles G. Truworthy,	North Andover.
" 15,	Ruth C. Bullard,	Ruth C. Ware,	Andover.

MIDDLESEX COUNTY.

January 7,	Fred Peter Haggerty,*	Fred Prince Crane,	Lowell.
" 14,	Elizabeth F. Wilson,*	Elizabeth Burbank Smith,	Charlestown.
February 25,	Emmaetta S. Coburn,*	Emma Coburn Davis,	Lowell.

** Minor: names changed by reason of adoption.

MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
March 10, . . .	Stephen Dustin Carey,	Albert Dustin Haynes,	Charlestown.
" 24, . . .	Catharine Sheaba,*	Arabella Call, . . .	Charlestown.
" 24, . . .	Joanna Batchelder Rackliff,*	Joanna Batchelder Chadbourn,	Brighton.
April 14, . . .	Sarah Ann Umpleby,*	Sarah Ann Hyde,	Lowell.
" 28, . . .	Eva Robins Taylor,*	Eva Marian Bullock,	Cambridge.
May 12, . . .	Nellie McNally,*	Nellie Bartlett Snow,	Newton,
June 2, . . .	Mary Lizzie Ellis,*	Mary Lizzie Whitaker,	Ashland.
" 9, . . .	Addie Drew,*	Addie Lyford, . . .	Lowell.
" 23, . . .	Nancy Grace Stevens,*	Nancy Grace Thompson,	Lowell.
" 28, . . .	George Bradley Hobbs,	George Butcher, . . .	Cambridge.
September 1, . . .	John Clifford,*	George Kelly, . . .	Cambridge.
" 1, . . .	Anna Ednah Whitney Phipps,*	Emma Lizzie Tighlman Barker,	Cambridge.
" 1, . . .	Emily May Hayes,*	Emma Theresa Currie,	Melrose.
" 8, . . .	Georgianna Floyd,*	Georgianna Garfield, . . .	Waltham.
" 8, . . .	Mary Collins,*	Mary Collins Merrill, . . .	Hopkinton.
" 22, . . .	Annie Lee,*	Sarah Annie Allen,	Charlestown.
October 6, . . .	John Green,*	George Washington Fogg,	Mattford.

October 18,	Anna White Warren,*	Anna White Draper, .	Marlborough.
November 17,	John Henry Greenhalgh,*	John Henry Harrison, .	Lowell.
" 17,	Isaac Fletcher Greenlaw,	Cyrus Fletcher Nasson, .	Lowell.
" 17,	Emma Merrill Spear,*	Lilian Emma Starbird, .	Malden.
" 17,	George Hamilton,*	George Hamilton Stimson, .	Lowell.
December 1,	Minard Stygles, .	Daniel Minard Webber, .	Woburn.
" 8,	Francis Levi Page,*	Willis Luther Gould, .	Woburn.
" 22,	Patrick Flanagan,	Daniel Howell Brown, .	Wayland.

* Minor: names changed by reason of adoption.

WORCESTER COUNTY.

January 7, .	Alice Theresa Willard,	Alice Theresa Willard Warren, .	Worcester.
" 7, .	Emma Estella Balou, .	Emma Estella Lyons, .	Milford.
February 4,	Betsey Adams, .	Sarah Betsey Lemon, .	Webster.
March 8, .	Mary Eliza Smith,	Mary Eliza Henry, .	Holden.
" 8, .	John Thomas White, .	Leon Ira Temple, .	Southborough.
" 8, .	Susan Horton Spooner,	Susie Spooner Temple, .	Southborough.
" 8, .	Ellen Lucinda Nursa, .	Ellen Lucinda Haskell, .	Oakham.
May 5, .	Sidney Lynmore Heywood,	Sidney Lynmore Winch, .	Winchendon.
" 5, .	Edward Alexander Gates,	Edward Alexander Bragg, .	Grafton.

WORCESTER COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
May 12, . . .	Thomas Dumphy, .	Thomas Michael Dumphy, .	Sturbridge.
" 19, . . .	Peter McGowan, .	Emerson Peter McGowan, .	Worcester.
" 20, . . .	Forest Verr Peck, .	Clarence Reno Marshall, .	Fitchburg.
June 2, . . .	Ella L. Whittemore, .	Ella L. Butler, . . .	Worcester.
" 9, . . .	Sarah Martina Clough, .	Mattie Sarah Newman, .	Winchendon.
July 7, . . .	William Henry Dow, .	William Henry Bigelow, .	Westminster.
August 4, . . .	Francis Lefavre, .	Francis Dragon, . . .	Webster.
September 1, . . .	Lilla May Nimms, .	Lillian Belle Reynolds, .	Worcester.
" 1, . . .	Elmer Rogene Thresher, .	Elmer Rogene Allen, .	Oakham.
October 1, . . .	Nellie Elizabeth Bolton, .	Nellie Elizabeth Brigham, .	Fitchburg.
November 8, . . .	Lottie L. Moore, . .	Lottie L. Leslie, . . .	Leominster.
December 1, . . .	Grace Maria Haggerty, .	Grace Maria Whitin, .	Northbridge.
" 1, . . .	Julia Taft Dingwell, .	Julia Taft Parker, .	Worcester.
" 1, . . .	Ida Mabel Thompson, .	Emma Frances Frary, .	Holden.
" 1, . . .	John Jay Mackensio, .	John Jay Kensington, .	Worcester.
" 1, . . .	Milo Leonard Mackensio, .	Milo Lennarl Kensington, .	Worcester.

January 7, .	Lula Maria Gates, .	Lula Maria Parsons, .	Northampton.
February 4, .	Laura J. Grant, .	Jane Laura Miller, .	Williamsburg.
April 7, .	William A. Brewster, .	William Augustus Reed, .	Northampton.
" 7, .	Charlotte Bryant, .	Charlotte Rose Clay, .	Northampton.
October 5, .	George Kingman, .	George Kingman Clarke, .	Northampton.
" 5, .	Sarah E. Smith, .	Sarah Emily Porter, .	Hatfield.
November 4, .	Eliza Wood, .	Eliza Potter, .	Easthampton.
" 4, .	Abby Jane Roberts, .	Abby Jane Augvine, .	Northampton.
" 4, .	Mary Clementine Chapin, .	Mary Eastman Marshall, .	Amherst.
December 1, .	Frederick A. Latham, .	Frederick Arthur Cooley, .	Amherst.

All minors, and names changed by reason of adoption.

HAMPDEN COUNTY.

January 28, .	Justine Emma White, .	Justine Emma Bailey, .	Springfield.
March 8, .	Anna Winchell, .	Anna J. B. Pomeroy, .	Springfield.
May 5, .	John Roland Colby, .	John Roland Colby Browning, .	Chicopee.
" 5, .	Edwin Moulton, .	Herbert Samuel Brown, .	Palmer.

HAMPDEN COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1888.			
June 2, . . .	Jenny Handyside, . . .	Jennie Grace Douglas, . . .	Springfield.
October 6, . . .	Ella Mabel Eaton, . . .	Ella Mabel Carter, . . .	Springfield.
November 4, . . .	William W. Handyside, . . .	Luther Wallace Bruner, . . .	Wilbraham.
December 1, . . .	George Franklin Wolcott, . . .	"Name remains same," . . .	Agawam.

Names changed by reason of adoption. No change of names of adults.

FRANKLIN COUNTY.

March 3, . . .	— Bryan,†* . . .	Manna A. Powers, . . .	Whately.
June 2, . . .	Anne E. Gibson,* . . .	Anne Elizabeth Coburn, . . .	Greenfield.
" 16, . . .	Mary Lyons,* . . .	Mary Isabel Orcutt, . . .	Orange.
October 27, . . .	Mary Adeline Hawks,* . . .	Mary Adeline Green, . . .	Ashfield.
" 27, . . .	Emma Maria Hawks,* . . .	Emma Maria Stetson, . . .	Ashfield.
" 27, . . .	Henry Francis Pike,* . . .	Henry Francis Latham, . . .	Shelburne Falls.
" 27, . . .	Charles ———,† . . .	Charles Sylvester Whitney, . . .	Shelburne Falls.
December 1, . . .	Fanny R. G. Streeter,* . . .	Fanny R. G. Bowen, . . .	Colrain.

* Changed by reason of adoption.

† An infant unnamed.

‡ Surname unknown, being a child from "Temporary Home for Little Wanderers," whose parents were never known.

NORFOLK COUNTY.

March 8, . . .	Delaney Glascent,	. . .	Delaney Glascent Burbank, . . .	. . .	Pittsfield.
April 7, . . .	" A foundling child,"	. . .	Minnie E. Van Bramer, . . .	. . .	Pittsfield.
" 7, . . .	Homer Williams, Jr., . . .	. . .	George Henry McDermott, . . .	. . .	Pittsfield.
July 29, . . .	Alfred Kingsbury, . . .	. . .	Alfred Morton, . . .	. . .	Adams.
" 29, . . .	Charles H. Miner, . . .	. . .	Charles Julius Holman, . . .	. . .	Windsor.
October 6, . . .	Thomas W. Clapp, . . .	. . .	Warren Thomas Clapp Colt, . . .	. . .	Pittsfield.
NORFOLK COUNTY.					
February 25, . . .	Emma E. Dole,* . . .	. . .	Emma E. Hawes, . . .	. . .	Stoughton.
May 5, . . .	Eva Clara Adams,* . . .	. . .	Eva Clara Dix, . . .	. . .	Dorchester.
June 2, . . .	Lydia Sherwin Higgins,* . . .	. . .	Lydia Higgins Sherwin, . . .	. . .	Brookline.
" 2, . . .	Sarah B. Goodrich, . . .	. . .	Sarah B. Doolittle, . . .	. . .	Foxborough.
" 10, . . .	Eleanor F. Mott,* . . .	. . .	Nellie F. Brown, . . .	. . .	Cohasset.
" 24, . . .	Mary Winslow,* . . .	. . .	Margaret Reed Derry, . . .	. . .	Quincy.
September 30, . . .	Drusilla Ware,* . . .	. . .	Hellaxer Colson, . . .	. . .	Milton.
November 3, . . .	Georgianna Perry,* . . .	. . .	Georgianna Lake, . . .	. . .	Dedham.
" 4, . . .	Harriet N. Storer, . . .	. . .	Harriet Newell, . . .	. . .	Weymouth.
" 4, . . .	Charles Edward Storer, . . .	. . .	Charles Edward Newell, . . .	. . .	Weymouth.

* Changed by reason of adoption.

CHANGE OF NAMES.

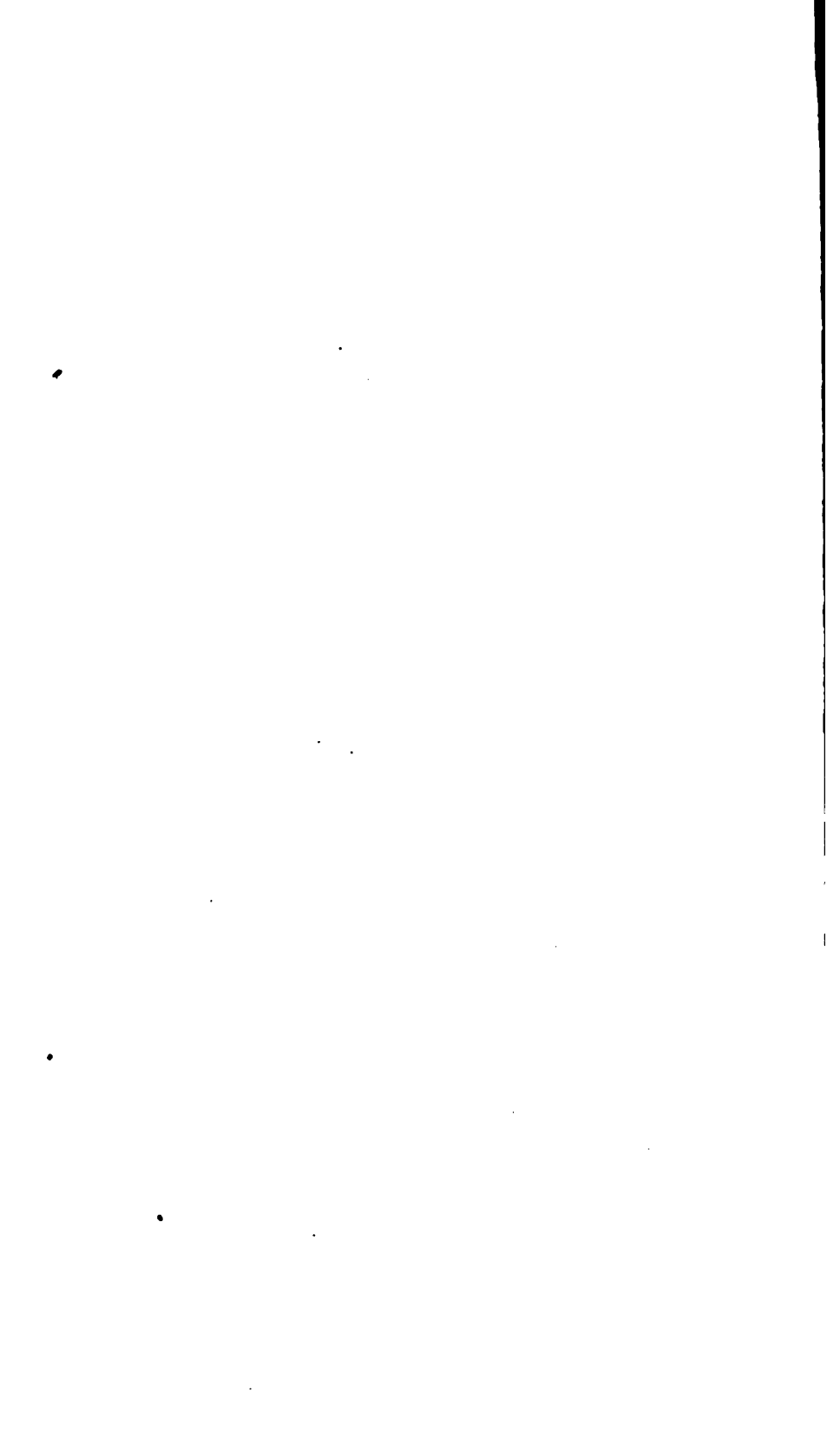
BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1868.			
January 17,	Edgenora Augusta Potter,	Edgenora Augusta Leonard,	Taunton.
March 18,	Catherine R. Hobbs,	Catherine R. Borden,	New Bedford.
" 18,	Mary E. Hobbs,	Mary E. Borden,	New Bedford.
" 18,	Caroline Hobbs,	Caroline Borden,	New Bedford.
" 18,	Asa James Sherman Lippard,	Asa James Sherman,	New Bedford.
" 18,	Sarah Tucker Lippard,	Sarah Tucker Sherman,	New Bedford.
April 3,	Josephine Fitzpatrick,	Josephine Fitzpatrick Porter,	Fall River.
" 8,	Walter S. Bumpus,	Walter S. Tillson,	New Bedford.
June 17,	Ida Marion Swain,	Ida Marion Martin,	New Bedford.
September 16,	Elisa Emma Morriss,	Elisa Emma Gent,	Taunton.
" 4,	Jerusha G. Nichols,	Jessie G. Nichols,	Berkley.
November 6,	Henry A. Thing,	Henry A. Caldwell,	New Bedford.
" 6,	Jane H. N. Burk,	Jane H. Newhall,	Berkley.
" 6,	Parentage unknown,	Alfred D. Watson,	New Bedford.
" 6,	Parentage unknown,	Lenora A. Parker,	New Bedford.

January 27,	.	Patrick Kily,	.	.	.	Alvin Andrew Kily,	.	.	.	Hanson.
October 12,	.	Ida J. Channell,*	.	.	.	Ida Cheney Wood,	.	.	.	Plymouth.
November 9,	.	George W. Worthen,*	.	.	.	George Henry Bourne,	.	.	.	Marshfield.
" 23,	.	——— Marsh,* an unnamed infant,	.	.	.	Sarah Margaret Briggs,	.	.	.	Scituate.

* Changed by reason of adoption.

No application for change of name has been made to the Judges of Probate for Barnstable and Dukes Counties. No return has been received from the Judge of Probate for Nantucket County.



THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1869.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
WILLIAM CLAFLIN,
GOVERNOR.
CHARLES H. TAYLOR, *Private Secretary.*

HIS HONOR
JOSEPH TUCKER,
LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS.)

I.—MARSHALL S. UNDERWOOD.	V.—ROLAND G. USHER.
II.—CHARLES ENDICOTT.	VI.—THOMAS TALBOT.
III.—THOMAS RICE, JR.	VII.—CHARLES ADAMS, JR.
IV.—OTIS NORCROSS.	VIII.—HORATIO G. KNIGHT.

OLIVER WARNER,
SECRETARY OF THE COMMONWEALTH.
CHARLES W. LOVETT, *1st Clerk.* BENJAMIN C. PIPER, *2d Clerk.*

JACOB H. LOUD,
TREASURER AND RECEIVER-GENERAL.
DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON, *2d Clerk.*

HENRY S. BRIGGS,
AUDITOR.
EDWARD S. DAVIS, *1st Clerk.* AUGUSTUS BROWN, *2d Clerk.*

CHARLES ALLEN,
ATTORNEY-GENERAL.
JAMES C. DAVIS, *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

SENATE.

President—ROBERT C. PITMAN.*

District.	Name of Senator.	Residence.
First Suffolk, . .	Charles R. McLean, . .	Boston.
Second " . .	Alonzo M. Giles, . .	"
Third " . .	Ellis W. Morton, . .	"
Fourth " . .	Horace H. Coolidge, . .	"
Fifth " . .	Samuel D. Crane, . .	"
Sixth " . .	Benjamin Dean, . .	"
First Essex, . .	George H. Sweetser, . .	Saugus.
Second " . .	Nathaniel J. Holden, . .	Salem.
Third " . .	Julius A. Palmer, . .	Boxford.
Fourth " . .	Richard Plumer, . .	Newburyport.
Fifth " . .	J. Scott Todd, . .	Rowley.
First Middlesex, . .	O. H. P. Smith, . .	Charlestown.
Second " . .	George O. Brastow, . .	Somerville.
Third " . .	Estes Howe, . .	Cambridge.
Fourth " . .	Edmund Dowse, . .	Sherborn.
Fifth " . .	Daniel Needham, . .	Groton.

* Mr. Pitman resigned his seat June 19, and Mr. GEORGE O. BRASTOW was elected President.

District.	Name of Senator.	Residence.
Sixth Middlesex, .	Joseph G. Pollard, . .	Woburn.
Seventh " .	Joshua N. Marshall, . .	Lowell.
First Worcester, .	Francis H. Dewey,* . .	Worcester.
Second " .	Charles A. Wheelock, . .	Uxbridge.
Third " .	Lucius J. Knowles, . .	Warren.
Fourth " .	George M. Buttrick, . .	Barre.
Fifth " .	John H. Lockey, . .	Leominster.
First Hampden, .	Charles R. Ladd, . .	Springfield.
Second " .	George S. Taylor, . .	Chicopee.
Hampshire, . .	Edward A. Thomas, . .	Prescott.
Franklin, . . .	Whiting Griswold, . .	Greenfield.
Berkshire, . . .	C. J. Kittredge, . . .	Hinsdale.
Berksh'e & Hampshire,	Richmond Kingman, . .	Cummington.
First Norfolk, . .	George H. Monroe, . .	Boston.
Second " . .	Charles Marsh, . . .	Quincy.
Third " . .	Joseph G. Ray, . . .	Franklin.
First Plymouth, .	Gershom B. Weston, . .	Duxbury.
Second " . .	Jonathan White, . . .	No. Bridgewater.
Norfolk & Plymouth, .	Francis A. Hobart, . .	South Braintree.
First Bristol, . .	Harrison Tweed, . . .	Taunton.
Second " . .	Robert C. Pitman, . .	New Bedford.
Third " . .	John B. Hathaway, . .	Fall River.
Cape, . . .	Nathaniel E. Atwood, . .	Provincetown.
Island, . . .	George A. King, . . .	Barnstable.

STEPHEN N. GIFFORD, *Clerk.*BENJAMIN C. DEAN, *Assistant-Clerk.*E. N. KIRK, of Boston, *Chaplain.*JOHN MORISSEY, *Sergeant-at-Arms.*

* Mr. Dewey resigned his seat February 23, and Mr. GEORGE M. RICE was elected to fill the vacancy.

HOUSE OF REPRESENTATIVES.

Speaker—HARVEY JEWELL.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Wesley A. Gove, . Luther A. Wright, . Francis A. Perry, .	Boston. " "
2d,	Boston, Ward 2,	{ Dennis Cawley, Jr., . Murdock Matheson, . Michael Carney, .	Boston. " "
3d,	Boston, Ward 3,	{ Avery Plumer, . Lyman S. Hapgood, . James H. Roberts, .	Boston. " "
4th,	Boston, Ward 4,	{ Dexter S. King, . John Brown, . John P. Ober, .	Boston. " "
5th,	Boston, Ward 5,	{ Otis Rich, . William G. Brooks, . Dennis J. Gorman, .	Boston. " "
6th,	Boston, Ward 6,	{ Harvey Jewell, . Linus M. Child, . John J. Smith, .	Boston. " "
7th,	Boston, Ward 7,	{ Patrick A. Collins, . Hugh A. Madden, . William P. Tyler, .	Boston. " "
8th,	Boston, Ward 8,	{ Moses Kimball, . P. Ambrose Young, . Nathaniel C. Nash, .	Boston. " "
9th,	Boston, Ward 9,	{ L. Miles Standish, . Jeremiah L. Newton, .	Boston. "
10th,	Boston, Ward 10,	{ Samuel G. Bowdlear, . Alvah A. Burrage, .	Boston. "

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . {	James Horswell, . Solomon Carter, . Lansing Millis, .	Boston. " "
12th,	Boston, Ward 12, . {	Robert Johnson, . William W. Nichols,	Boston. "
18th,	{ Chelsea, . . North Chelsea, . . Winthrop, . . }	Andrew L. Haskell, . Rufus S. Owen, . Caleb Lombard, .	Chelsea. " "

COUNTY OF ESSEX.

1st,	{ Salisbury, . . Amesbury, . . West Newbury, . }	Joseph N. Clark, . William H. Haskell,	Salisbury. Amesbury.
2d,	{ Haverhill, . . Bradford, . . }	S. K. Towle, . . Eben Mitchell, . Thorndike D. Hodges,	Haverhill. " "
3d,	{ Lawrence, . . Methuen, . . }	William A. Russell, . Frederick Butler, . Kimball C. Gleason,	Lawrence. " Methuen.
4th,	{ Andover, . . North Andover, . }	Augustine K. Russell,	Andover.
5th,	{ Georgetown, . . Groveland, . . Boxford, . . }	Oliver S. Butler,* .	Georgetown.
6th,	{ Newburyport, . . Newbury, . . }	David T. Woodwell, Horace Choate, . Joseph N. Rolfe, .	Newburyport. " Newbury.
7th,	{ Ipswich, . . Rowley, . . }	Josiah Lord, Jr., .	Ipswich.
8th,	{ Gloucester, . . Essex, . . }	Benjamin F. Cook, . Josiah O. Friend, Jr., J. Franklin Dyer, .	Gloucester. " "
9th,	Rockport, . .	Ambrous Hodgkins, .	Rockport.

* Elected January 18, to fill the vacancy occasioned by the decease of Mr. JOSEPH G. BARNES of Georgetown, member elect, who died before the beginning of the session

COUNTY OF ESSEX—Concluded.

istrict.	Town or Ward.	Name of Representative.	Residence.
10th,	{ Beverly, . . . } { Manchester, . . . } { Hamilton, . . . }	John I. Baker, . Freeborn W. Cressy,	Beverly. "
11th,	{ Danvers, . . . } { Wenham, . . . }	Edwin Mudge, .	Danvers.
12th,	Peabody, . . .	Robert S. Daniels, .	Peabody.
13th,	{ Salem, Wards 1, 2 } { and 3, . . . }	John Barlow, . . Moses H. Hale, .	Salem. "
14th,	Salem, Wards 4 and 6,	Thomas S. Waters, .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	Joseph S. Knight, . Richard P. A. Harris,	Marblehead. "
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	William W. Kellogg,	Lynn.
17th,	Lynn, Wards 2 and 5,	William R. Meldon, .	Lynn.
18th,	{ Lynn, Wards 3, and } { Swampscott, . }	Benjamin Dupar, .	Lynn.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	William ³ H. Merritt, .	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . . } { Middleton, . . . } { Topsfield, . . . }	James Hewes, . .	Lynnfield.

COUNTY OF MIDDLESEX.

1st,	Charlestown, Ward 1,	Samuel S. Willson, .	Charlestown.
2d,	Charlestown, Ward 2, {	William W. Davis, . William Hichborn, .	Charlestown. "
3d,	Charlestown, Ward 3, {	Caleb Rand, . . Samuel D. Sawin, .	Charlestown. "
4th,	{ Somerville, . . . } { Malden, . . . }	George P. Cox, . John Runey, . . Charles H. Guild, .	Malden. Somerville. "

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Medford, . . .	James A. Hervey, .	Medford.
6th,	{ Arlington, . . . Winchester, . . . }	Salem Wilder, . .	Winchester.
7th,	{ Cambridge, Ward 1, } " " Ward 5, }	James R. Morse, .	Cambridge.
8th,	{ Cambridge, Ward 2, } " " Ward 4, }	Asa P. Morse, . . Martin L. Smith, . Charles A. Fiske, .	Cambridge. " "
9th,	Cambridge, Ward 3,	Charles J. McIntire,	Cambridge.
10th,	{ Newton, . . . } Brighton, . . . }	John B. Goodrich, . Life Baldwin, . .	Newton. Brighton.
11th,	{ Watertown, . . . } Belmont, . . . }	Henry Chase, . .	Watertown.
12th,	Waltham, . . .	Royal S. Warren, .	Waltham.
13th,	Natick, . . .	Newton Morse, . .	Natick.
14th,	{ Holliston, . . . } Sherborn, . . . }	Benjamin A. Bridges,	Holliston.
15th,	{ Hopkinton, . . . } Ashland, . . . }	M. C. Phipps, . .	Hopkinton.
16th,	Framingham, . .	Theodore C. Hurd, .	Framingham.
17th,	Marlborough, . .	F. H. Morse, . . .	Marlborough.
18th,	{ Hudson, . . . } Stow, . . . Boxborough, . . . Littleton, . . . }	Joseph A. Priest, .	Littleton.
19th,	{ Acton, . . . } Sudbury, . . . Wayland, . . . }	John N. Sherman, .	Wayland.
20th,	{ Concord, . . . } Lincoln, . . . Weston, . . . }	Addison G. Fay, .	Concord.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } Bedford, . . . } Burlington, . . . } Carlisle, . . . }	Richard D. Blinn, .	Lexington.
22d,	Woburn, . . .	William T. Grammer,	Woburn.
23d,	{ Stoneham, . . . } Wakefield, . . . } Melrose, . . . }	Levi S. Gould, . . Samuel Cloon, . .	Melrose. Stoneham.
24th,	{ Reading, . . . } North Reading, . . . } Wilmington, . . . }	Samuel P. Breed, .	North Reading.
25th,	{ Chelmsford, . . . } BillERICA, . . . } Tewksbury, . . . }	William Fletcher, .	Chelmsford.
26th,	{ Lowell, Ward 1, . . . } " Ward 2, . . . } " Ward 6, . . . }	James B. Francis, . Joseph L. Sargent, .	Lowell. "
27th,	Lowell, Ward 3, .	Asahel D. Puffer, .	Lowell.
28th,	Lowell, Ward 4, .	David Lane, . .	Lowell.
29th,	Lowell, Ward 5, .	William H. Parker, .	Lowell.
30th,	{ Dracut, . . . } Tyngsborough, . . . } Dunstable, . . . } Westford, . . . }	Asa Clement, . .	Dracut.
31st,	{ Groton, . . . } Pepperell, . . . }	William Livermore, .	Groton.
32d,	{ Townsend, . . . } Ashby, . . . } Shirley, . . . }	A. A. Plympton, .	Shirley.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } Winchendon, . . . }	George H. Barrett, .	Ashburnham.
2d,	{ Royalston, . . . } Athol, . . . }	Thos. H. Goodspeed,	Athol.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Gardner, . . . } Templeton, . . . }	C. S. Greenwood, .	Gardner.
4th,	{ Petersham, . . . } Dana, . . . } Phillipston, . . . } Hubbardston, . . . } Barre, . . . } Hardwick, . . . } New Braintree, . . }	Stephen D. Goddard, Charles Wilcox, .	Petersham. New Braintree.
5th,	{ Westminster, . . . } Fitchburg, . . . } Lunenburg, . . . } Leominster, . . . }	E. Foster Bailey, . Elnathan Davis, . Charles H. Merriam,	Fitchburg. Lunenburg. Leominster.
6th,	{ Lancaster, . . . } Bolton, . . . } Harvard, . . . }	Jacob Fisher, . .	Lancaster.
7th,	{ Clinton, . . . } Berlin, . . . } Northborough, . . }	Edw. H. Hartshorn, .	Berlin.
8th,	{ Sterling, . . . } West Boylston, . . } Boylston, . . . }	Henry White, . .	Boylston.
9th,	{ Rutland, . . . } Holden, . . . } Princeton, . . . } Oakham, . . . }	Willis Smith, . .	Rutland.
10th,	{ Worcester, Ward 1, } " Ward 2, } " Ward 3, } " Ward 8, } Paxton, . . . }	Warren Williams, . Thomas L. Nelson, . W. W. Sprague, .	Worcester. " "
11th,	{ Worcester, Ward 4, } " Ward 5, } " Ward 6, } " Ward 7, }	Aury G. Coes, . . John Dean, . . . Geo. M. Woodward,	Worcester. " "
12th,	{ Grafton, . . . } Shrewsbury, . . . }	George K. Nichols, .	Grafton.
13th,	{ Westborough, . . . } Southborough, . . }	William M. Child, .	Westborough.

COUNTY OF WORCESTER—Concluded.

District.	Town.	Name of Representative.	Residence.
14th,	{ Northbridge, . . . } Upton, . . . }	George L. Gibbs, .	Northbridge.
15th,	{ Milford, . . . } Mendon, . . . } Blackstone, . . . } Uxbridge, . . . }	Alfred A. Burrill, . Thomas G. Kent, . Alexander H. Allen,	Milford. " Mendon.
16th,	{ Douglas, . . . } Webster, . . . } Dudley, . . . } Oxford, . . . } Sutton, . . . } Millbury, . . . }	George J. Sanger, . James M. Cunliff, . Marcus M. Luther, .	Webster. Sutton. Douglas.
17th,	{ Auburn, . . . } Leicester, . . . } Spencer, . . . } Charlton, . . . } Southbridge, . . . }	Ezra Rice, . . . Manning Leonard, .	Auburn. Southbridge.
18th,	{ Sturbridge, . . . } Brookfield, . . . } North Brookfield, . . . } West Brookfield, . . . } Warren, . . . }	Ezra Batcheller, . Daniel W. Knight, .	N. Brookfield. Brookfield.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } Huntington, . . . } Northampton, . . . } Southampton, . . . } Westhampton, . . . }	H. K. Starkweather, William I. Edwards,	Northampton. Westhampton.
2d,	{ Chesterfield, . . . } Cummington, . . . } Goshen, . . . } Middlefield, . . . } Plainfield, . . . } Worthington, . . . }	Marcus A. Bates, .	Worthington.
3d,	{ Hadley, . . . } Hatfield, . . . } Williamsburg, . . . }	Stephen M. Crosby,	Williamsburg.
4th,	{ Amherst, . . . } South Hadley, . . . }	Elliott Montague, .	South Hadley.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Belchertown, . . . } { Granby, . . . } { Pelham, . . . }	Henry B. Blake, .	Belchertown.
6th,	{ Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	Edward Smith, .	Enfield.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	Ferdinand L. Braley,	Wales.
2d,	{ Palmer, . . . } { Wilbraham, . . . }	Joseph Vaill, . Lyman Dimock,* .	Palmer. "
3d,	{ Springfield, Ward 1, } { " Ward 2, } { " Ward 3, }	Tilley Haynes, . Emerson Wight, .	Springfield. "
4th,	{ Springfield, Ward 4, } { " Ward 6, }	Horace Smith, .	Springfield.
5th,	{ Springfield, Ward 5, } { " Ward 7, } { " Ward 8, }	Wm. W. Amadon, .	Springfield.
6th,	{ Holyoke, . . . } { Chicopee, . . . } { Ludlow, . . . }	S. H. Walker, . Jerome Wells, .	Holyoke. Chicopee.
7th,	{ Granville, . . . } { Southwick, . . . } { Agawam, . . . } { West Springfield, . . . } { Longmeadow, . . . }	William Melcher, . Edwin Gilbert, .	W. Springfield. Southwick.
8th,	Westfield, . . .	Samuel Horton,	Westfield.
9th,	{ Chester, . . . } { Blandford, . . . } { Montgomery, . . . } { Russell, . . . } { Tolland, . . . }	Franklin C. Knox, .	Blandford.

* Mr. DIMOCK was chosen to fill the vacancy occasioned by the death of Rev. Dr. VAIL which took place Feb. 22d.

HOUSE OF REPRESENTATIVES.

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COUNTY OF FRANKLIN.

Dist.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	Lyman E. Moore, .	New Salem.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	D. Dwight Whitmore,	Sunderland.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	Daniel H. Newton, . Avery J. Denison, .	Greenfield. Leyden.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Alfred Belden, . . Clark Sears, . . .	Whately. Hawley.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Roger H. Leavitt, .	Charlemont.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Justus Tower, . .	Lanesborough.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	Shepherd Thayer, . Werden R. Brown, .	Adams. Cheshire.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	Thomas F. Plunkett, James Wilson, . .	Pittsfield. Dalton.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . } Hinsdale, . . . } Peru, . . . } Washington, . . . } Windsor, . . . }	Thomas K. Plunkett,	Hinsdale.
5th,	{ Lenox, . . . } Stockbridge, . . . } West Stockbridge, . }	Albert Langdon, .	Lenox.
6th,	{ Lee, . . . } Monterey, . . . } Otis, . . . } Tyringham, . . . }	Alanson Crittenden, .	Otis.
7th,	{ Alford, . . . } Egremont, . . . } Great Barrington, . }	Herbert C. Joyner, .	Gt. Barrington.
8th,	{ New Marlborough, . }	Orlow Wolcott, .	Sandisfield.
	Sandisfield, . . . }		
	Sheffield, . . . }		

COUNTY OF NORFOLK.

1st,	Dedham,* . . .	Eliphalet Stone, .	Dedham.
2d,	West Roxbury, .	Charles A. Hewins, .	West Roxbury.
8d,	{ Roxbury,† Ward 2, . }	James Ritchie, .	Roxbury.
	{ " Ward 3, . }	Moody Merrill, .	Roxbury.
	{ " Ward 4, . }	Charles H. Hovey, .	Roxbury.
	{ " Ward 5, . }		
4th,	Roxbury, Ward, 1, .	Benjamin Franklin, .	Roxbury.
5th,	Dorchester,* . . . }	Henry J. Nazro, .	Dorchester.
		William T. Adams, .	Dorchester.
6th,	Quincy, . . .	Henry Barker, .	Quincy.

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11: Dorchester annexed to Boston in 1869. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

COUNTY OF NORFOLK—Concluded.

District	Town or Ward.	Name of Representative.	Residence.
7th,	Braintree, . .	Levi W. Hobart, .	Braintree.
8th,	Weymouth, . . {	James Humphrey, . Elmer Hewett, .	Weymouth. “
9th,	Randolph, . .	Samuel Clark, .	Randolph.
10th,	Stoughton, . .	Henri L. Johnson, .	Stoughton.
11th,	{ Canton, . . . Milton,* . . . Walpole, . . . Sharon, . . . }	Francis W. Bird, . Frank M. Ames, .	Walpole. Canton.
12th,	{ Foxborough, . . Wrentham, . . Medway, . . }	Chauncey G. Fuller, John M. Merrick,† .	Wrentham. Foxborough.
13th,	{ Franklin, . . . Bellingham, . . }	Ruel F. Thayer, .	Bellingham.
14th,	{ Needham, . . . Medfield, . . . Dover, . . . }	Abner L. Smith, .	Dover.
15th,	Brookline, . .	Abijah W. Goddard,	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Joseph D. Peirce, .	Attleborough.
2d,	{ Mansfield, . . . Norton, . . . }	Wm. D. Witherell, .	Norton.
3d,	{ Easton, . . . Raynham, . . . }	Enoch King, .	Raynham.
4th,	Taunton, . . . {	Edgar H. Reed, . Alfred M. Williams, Le Baron B. Church,	Taunton. “ “

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

† Mr. Merrick resigned his seat May 5, and the vacancy was not filled.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . Rehoboth, . . . Dighton, . . . Berkley, . . . }	Ebenezer Dawes, .	Dighton.
6th,	{ Somerset, . . . Swansey, . . . Freetown, . . . }	Rufus S. Slade, .	Swansea.
7th,	Fall River, . . . {	Abraham G. Hart, . Weaver Osborn, . Iram Smith, . . .	Fall River. " "
8th,	Westport, . . .	Isaac A. Anthony, .	Westport.
9th,	Dartmouth, . . .	George F. Howland,	Dartmouth.
10th,	{ New Bedford, Wards 1, 2 and 3, . . . }	Rodney French, . Samuel S. Paine, .	New Bedford "
11th,	{ New Bedford, Wards 4, 5 and 6, . . . }	John A. P. Allen, . Jethro C. Brock, .	New Bedford "
12th,	{ Fairhaven, . . . Acushnet, . . . }	Lewis S. Judd, .	Fairhaven.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . Scituate, . . . }	Loring Bates, . . .	Cohasset.
2d,	{ Hingham, . . . Hull, . . . }	Charles N. Marsh, .	Hingham.
3d,	{ South Scituate, . Hanover, . . . Hanson, . . . }	Edward Stowell, .	South Scituate.
4th,	{ Marshfield, . . . Pembroke, . . . Halifax, . . . }	Charles P. Lyon, .	Halifax.
5th,	{ Duxbury, . . . Kingston, . . . }	Joseph A. Stranger, .	Kingston.

COUNTY OF PLYMOUTH—Concluded.

District.	Towns.	Name of Representative.	Residence.
6th,	{ Plymouth, . . . } Carver, . . . } Plympton, . . . }	William Bartlett, . William E. Barnes, .	Plymouth. Plymouth.
7th,	{ Wareham, . . . } Marion, . . . }	Ezra C. Brett, . .	Wareham.
8th,	{ Mattapoisett, . . . } Rochester, . . . } Lakeville, . . . }	Thomas Ellis, . .	Rochester.
9th,	Middleborough, .	Augustus Pratt, .	Middleborough.
10th,	{ Bridgewater, . . . } West Bridgewater, . }	Nahum Leonard, jr.,	W. Bridgewater.
11th,	{ East Bridgewater, . } North Bridgewater, . }	Jacob Bates, . . . Welcome H. Wales,	E. Bridgewater. N. Bridgewater.
12th,	Abington, . . . }	Charles W. Soule, . Albert Chamberlin, .	Abington. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } Sandwich, . . . } Falmouth, . . . } Yarmouth, . . . }	Lemuel B. Simmons, Alvah Holway, . . Francis A. Nye, . .	Barnstable. Sandwich. Falmouth.
2d,	{ Dennis, . . . } Harwich, . . . } Brewster, . . . }	Samuel H. Gould, . Shubael B. Kelley, .	Brewster. Harwich.
3d,	{ Chatham, . . . } Orleans, . . . }	Ensign B. Rogers, .	Orleans.
4th,	{ Eastham, . . . } Wellfleet, . . . } Truro, . . . } Provincetown, . . }	John C. Peak, . . . Obadiah S. Brown, .	Wellfleet. Truro.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Towns.	Name of Representative.	Residence.
One.	{ Edgartown, . . . Tisbury, . . . Chilmark, . . . Gosnold, . . . }	Charles Bradley, .	Tisbury.

COUNTY OF NANTUCKET.

One.	Nantucket, . . .	Isaiah F. Robinson, .	Nantucket.
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SETH AMES,* *of Boston.*

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ROBERT C. PITMAN,¶ *of New Bedford.*

* Vice Dwight Foster, resigned, January 12, 1869.

† Vice Ebenezer R. Hoar, resigned, March 10, 1869.

‡ Vice Seth Ames, resigned, January 19, 1869.

§ Vice Henry Vose, deceased.

|| Vice Lincoln F. Brigham, appointed Chief Justice, January 28, 1869.

¶ Vice Marcus Morton, resigned, April 15, 1869.

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* Mr. BOUTWELL resigned in March; vacancy not filled.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
July 24, 1869. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters herewith are transcripts of official records and returns in this Department.

OLIVER WARNER,
Secretary of the Commonwealth.

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